THE PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF "THE WORK ENTITLED THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

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T. C. HANSARD.

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TO

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1823.

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*** *The Editor is preparing for the Press, to be comprised in Two Volumes:*

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II. A GENERAL INDEX to the Parliamentary Debates from the Year 1803, *to the Accession of* George the Fourth, *in* 1820.

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THE

Parliamentary Debates

During the Third Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Fifth Day of February 1822, in the Third Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF COMMONS.

Wednesday, April 24, 1822.

ILCHESTER GOAL—TREATMENT OF MR. HUNT.] The Marquis of *Titchfield* presented a petition from Lynn, praying the interference of the House for a remission of the remainder of Mr. Hunt's imprisonment. The noble marquis read an extract from the petition, in which it spoke of "the unrelenting severity practised towards the victim of ministerial hate, by the petty tyrants in whose power he was placed." The petition then referred, as a precedent for the interference of the House on the present occasion, to their having interfered to procure the remission of the punishment of sir Manasseh Lopez, whose crime was ten thousand times greater than the one imputed to Mr. Hunt. The noble marquis said, he fully concurred in the prayer of the petition, but although he concurred in the prayer, he differed from the petitioners in the reasons which they assigned; for, notwithstanding all he felt upon this subject, it did appear to him that ministers had done no more than their duty in ordering the prosecution of Mr. Hunt. For courts of justice he had the highest respect, and he should not, therefore, be disposed to listen to any thing against their decisions, without the strongest grounds; but the same respect for them made him wish, that they should not become the innocent instruments of unnecessary severity. In looking at the sentence on Mr. Hunt, he certainly did think it a severe one; and it had been rendered much more so, by the great severity with which he had been treated. So much was this the fact, that he looked upon two years imprisonment or less, in the place to which he happened to be sent, as worse than two years and a half in any other prison. Under these circumstances, he considered that, in wishing for a remission of the remainder of the punishment, he was not recommending him to the favour of the Crown, but asking for him a measure of simple justice. He was not one who thought that the House ought lightly to interfere with courts of justice, and especially in a case like the present, as he had no doubt whatever of the illegality of the meeting at which Mr. Hunt presided; but looking at all the circumstances which had since occurred, he thought the home department was called upon to interpose, and advise the Crown to the exercise of its prerogative of mercy.

Ordered to lie on the table.

MOTION TO REMIT THE REMAINDER OF MR. HUNT'S IMPRISONMENT.] Sir *Francis Burdett* said, that after the numerous petitions which had been presented to the House on the subject respecting which he then rose to address it, and in favour of the motion with which he intended to conclude, and after the able manner in which those petitions had been supported, and especially that presented by a noble lord from Lynn, in Norfolk, he felt somewhat embarrassed regarding the manner in which he should address them, because he thought that the noble lord, though shortly, had strongly occupied all the grounds on which he felt it

his duty to press this subject on the attention of parliament; the noble lord having delivered his sentiments in a style that could not fail to produce a strong impression upon the House, from the unaffected simplicity of his language and manner. [Hear.] He must repeat, that he felt more than usually anxious, anxious as he was upon all occasions, in opening a question so materially affecting the liberty of the individual concerned, and so interesting as it appeared, from the numerous petitions from all quarters of the country, to be to the public at large, and when there were strong symptoms of its being favourably considered by a large portion of the House itself. He was also apprehensive that he might not forward, but, by an over-zealous effort retard the object he had in view; namely, the liberation of an individual from an imprisonment which, in the mind, of all impartial men, was a more than adequate punishment for any crime of which he had been found guilty. He must own, that up to the latest moment, he had entertained strong hopes that the ministers of the Crown would have spared him the trouble of addressing the House upon this question. He had been in hopes, that when so plain and palpable a course of proceeding was open before them—a course at once consistent with justice and propriety—a course that would not have been less grateful than just—grateful to the public mind on many accounts, of which the omission would answer no one purpose, but the accomplishment of all those ends which ought to be avoided—namely, that of creating a sympathy with the individual suffering, from a feeling that the crime bore no proportion to the magnitude of the punishment. Under all these circumstances, he had been in hopes that ministers would have recommended the Crown to do that which he did not despair of still persuading them to do, if the House should support him in his present motion. Notwithstanding the difficulty under which the members of administration sometimes laboured, and those trammels by which they felt themselves bound to support generally what they did not on all occasions individually approve, he did not altogether despair of having the able and efficient assistance of the right hon. secretary for the home department on the present occasion. He flattered himself the more with the hope of obtaining it, because, on his [illegible] to apply to that right h[illegible] behalf of two persons, [illegible] lived nea[illegible]residence in the North [illegible] had been [illegible]enced to a punishment [illegible]ch appeared more than commensurate with their offence, and who bore, indeed, so good a character that their neighbours doubted whether they had been properly convicted; he repeated, that on making known their cases to the right hon. gentleman, he had, with a promptitude and humanity that were highly to his credit, taken them into consideration, and afterwards recommended a mitigation of their punishment. He would not say, that he was obliged to the right hon. gentleman for the attention that he had thus paid; he would not pay him the parliamentary compliments usually offered on such occasions, not from any want of courtesy towards him, but from a wish that the right hon. gentleman would take what had fallen from him as he intended it—as a tribute to his integrity and assiduous attention to the duties of his office, and without any regard to the quarter from which it came.

Under these circumstances, he trusted, that if he made out the following propositions—first, that the sentence on Mr. Hunt was sufficiently severe for the crime of which he had been convicted (and here he must observe, that it was not necessary for his argument to impugn that sentence); and secondly, that the mode of carrying it into execution had augmented it tenfold, and in a manner which the judges themselves never dreamt of,—if he made out these propositions, he trusted he should have done that which would ensure him the support of the right hon. gentleman. Besides these two reasons for liberating Mr. Hunt, he had another, which, though he placed last, he did not value least. He thought that gentleman had a claim, and a strong claim too, upon the public, for having brought to light, circumstances, and for having conducted to a successful termination the important inquiry which had been lately instituted into the treatment of prisoners in Ilchester Gaol. In treating of the first proposition which he had laid down, he must beg leave to call the attention of the House to the nature of the charge against Mr. Hunt. In stating that charge, he could not help observing, in passing, the great hardships that sometimes arose from legal proceedings in this country. When a person had different charges preferred

against him in what were called the different counts of an indictment, containing every gradation of guilt, from the highest to the lowest, the hardship was, that after a defendant had been acquitted on all the heavy charges, after he had been found guilty of only one small part of one of the charges, by a jury which took five hours to deliberate on their verdict, and which acquitted him of all the rest, and even of all the heavy part of that individual charge on which they found him guilty—the hardship, he repeated it, was, that the persecuting lawyers might direct the jury to find a defendant guilty upon that count which contained the *minimum* of guilt, and which, if it had stood alone, would never have been thought fit to form the subject of an indictment. In legislating regarding the fisheries in some of the rivers of the country, the House had passed acts to prevent the meshes of the nets used in them from being made so small as to catch the smallest fish. Now, it was particularly hard that these legal meshes should be made so small that even offenders of the slightest nature could not escape them. There was no evidence to support the heavy charges that were imputed to Mr. Hunt; but the narrow meshes of the law were drawn so tightly around him, that it became impossible for him to escape. Even if Mr. Hunt had been found guilty of the heavy part of the charges preferred against him, he would say, that the punishment inflicted on him was a severe punishment. But, when he recollected that the offence of which Mr. Hunt had been found guilty was a misdemeanor, and was classed by Blackstone *inter minora delicta*, for which an imprisonment of from one to six months was deemed sufficient, he was compelled to say, that the visiting it with the punishment of imprisonment for two years and a half, was more than sufficient for the purpose of justice. But Mr. Hunt's offence, was even *minimus inter minora;* for of all the charges preferred against him, that on which he was convicted was the slightest; so that they had the anomaly before them, of a man suffering a heavy punishment for a crime that was as small as possible. A great deal more might be said on this part of the subject; because, at the time of Mr. Hunt's committing the offence for which he was now suffering, he was, in mind at least, as innocent a man as could be. It was an ancient maxim of English law, that "*actus non facit reum, nisi mens sit rea*"; but, in Mr. Hunt's case, a new practice had been introduced: the intention of his mind was not considered; his knowledge of the legality or illegality of his conduct at Manchester was not inquired into; though it was clear, from his previous deportment and his peculiar character, that he would not have adopted that course of proceeding which he afterwards did adopt, had he known it to be in violation of the law. It was not unnecessary, at this stage of the argument, to repeat that the magistrates had sanctioned the meeting of the 16th of August, by not protesting against it; and with regard to what took place at that meeting, he must repeat what he had said on a former occasion, that he was at a loss to know what the crime was of which Mr. Hunt had been guilty, either individually or collectively with others. However, let his guilt have been what it might, no person could say, that an imprisonment of two years and a half was not a punishment sufficient for it. Our old lawyers, who were men who valued highly the freedom of the subject, were accustomed to hold, that the slightest corporal infliction or deprivation of freedom was a much severer punishment than the heaviest fine. If that doctrine were sound, then again must the House admit the great severity of the sentence on Mr. Hunt. Indeed, he would ask them, if an imprisonment of two years and a half was not more than sufficient for so small an offence as that on which Mr. Hunt was convicted, to what period of time they would have limited his confinement, supposing he had been found guilty of the heavier charges preferred against him? If they observed the same proportion, Mr. Hunt's whole life would not be sufficient for the punishment, unless, indeed, it were prolonged to the age of Methusalem; and not even then, unless the life of Dr. Colston were extended to the same age also. [Hear, hear, and a laugh.]

He next came to the second proposition which he had laid down, having, as he trusted, rendered it impossible for any person to doubt of the severity of the punishment which Mr. Hunt was now enduring. In entering upon this part of his subject, he did not intend to introduce any topics that were extraneous from it, or to forestall that discussion which would come more naturally before the House, when the state of Ilchester

gaol should be brought before it. He would, however, go as far into it as the report of the commissioners and the petition of Mr. Hunt would bear him out. It would, no doubt, be recollected that Mr. Hunt, on receiving his sentence, did, before he left the court, ask the judge, with great readiness and sagacity, whether it was intended he should suffer solitary confinement? and that the court said in reply, "By no means." Now; when Mr. Hunt was sent to Ilchester, it was said in that House, that he had been sent there because it was one of the healthiest and best conducted gaols in England. If such were really the motive for sending him there, when that gaol was found to be one of the worst conducted gaols in the kingdom, and to be insalubrious to a degree that could hardly be credited, he had a right to say, that even those who inflicted the sentence on Mr. Hunt never intended to submit him to the inconveniences which he had since suffered; and he was glad to observe, that no gentleman in that House had ever contended that Mr. Hunt should be punished in the manner he had been. Not even the hon. members for Somerset had justified the treatment which Mr. Hunt had received. One of them had said, that he did not believe the charges which Mr. Hunt had preferred against the gaoler, but at the same time admitted, that he ought to have all possible accommodation in the prison. The other who was as incredulous as his colleague to the misconduct of the gaoler, declared, that Mr. Hunt ought not to be permitted to suffer any other inconvenience than that of imprisonment for two years and a half, which was inconvenience enough in all conscience. After such declarations, no doubt the two hon. members would, upon finding that Mr. Hunt had really been treated in the manner which he had described in his able petition, agree that the House ought to do every thing it could, to relieve that gentleman, and that the duration of his sufferings ought to be diminished as their severity had been increased. When Mr. Hunt was first sent to Ilchester, he was put into the northern ward of the prison, where no sun ever came for five months of the year—into a room which was cold and damp, and liable to all the changes of the weather and atmosphere, and into which, when the sun did shine it shone not to bless but to annoy his sight; for it shone upon a high white-washed wall, within four or five yards of the window of his apartment, and from that wall was reflected a light so strong and dazzling as to be extremely distressing to the eyes, as he (sir F. B.) had himself experienced on visiting the prison. In consequence of this, Mr. Hunt's eyes had suffered severely. When he entered the prison he was ushered into a room which had a stone floor, and no sort of accommodation. In this place he found two persons confined, who were to be his co-prisoners, his companions in this quarter of the gaol. They were intended to be his sleeping companions, upon two truckle beds which adjoined the apartment; and one of them, in his gaol-dress, was kindly appointed to assist Mr. Hunt in the room of his own servant. The other prisoner who was to be his companion, was a half-witted fellow, but a whole rogue, who was charged with an attempt to murder his own wife and children. Mr. Hunt naturally enough objected to the social enjoyment of such company; they were, he thought, rather too good for him; and at his desire these fellows were remanded to other cells. It was at this time that sir John Acland visited Mr. Hunt in his apartment; and it was due to sir John to state, that so far as he was personally concerned, Mr. Hunt always received at his hands the most considerate attention. Sir John, at the visit to which he alluded, apologized to Mr. Hunt for wearing his hat in the room, and called on Mr. Hunt to do the same thing, as he feared the consequences of cold from his head being exposed in so damp a place. He ordered in a board, to stand upon while he remained in the apartment, and recommended Mr. Hunt to take the same precaution against dampness in his feet on such a spot. Sir John also gave directions that the stone-floor should be immediately boarded over, the windows well closed and secured, and, in short, the apartment made as decent for Mr. Hunt, as it was capable of being rendered under the circumstances of the prison. Mr. Hunt acknowledged this attention on the part of sir John Acland, and felt grateful for it. This showed the previous state of the gaol, which they had been told was selected for the accommodation of Mr. Hunt, as a mark of favour; but which was in every respect calculated to produce an aggravation of the severe lot of his imprisonment. It was impossible to impose greater hardships upon any prisoner than those which

Mr. Hunt endured in this prison. What reason upon earth could there have been for denying him the assistance of his own servant?—The small ward in which Mr. Hunt was confined was, strange to say, intended by the prison directors for an infirmary, an office for which, of all other places, it was the worst calculated: it was, indeed, the very best place that could be selected to prepare a man for the benefit of an infirmary; but the worst possible one to secure for him any fair chance of achieving a cure. And on the subject of an infirmary, it was a remarkable fact, that no such place was, up to the present moment, provided in Ilchester Gaol. In this part of the prison Mr. Hunt was placed; and he was not aware that in the whole prison a better apartment could be found for him, except in the gaoler's house. When he was first confined he was only allowed the benefit of air in a small close yard, about 24 feet in length; from it a door opened into a larger yard, one, perhaps, twice the length of that House, and from which alone any adequate ventillation could be procured for the ward in which he lived; but to the larger yard he was for a long time denied access. At last, however, that indulgence was granted, to do away, perhaps, the effect of his previous solitary and dreadful confinement. And here, in justice to Mr. Hunt, he ought to say, that so reasonable and moderate were his demands, that whenever the parties to whom he applied could be got to consider his applications, they were usually successful. Sir Charles Bampfylde, the late sheriff, who on this, as on every other occasion, demeaned himself like an upright magistrate, issued an order against Mr. Hunt's solitary confinement, and directed that his visitors, both male and female, should be admitted to see him; and that, in fact, a more liberal system of treatment should be observed towards him; but even before that worthy sheriff had retired from office, the rev. Dr. Colston—a visiting magistrate, unfortunately, of this prison, interfered, in spite of sir Charles's positive orders for an amelioration of Mr. Hunt's treatment, and enforced against him the most unjustifiable restrictions. The reverend doctor acted in this case in the most unjust, imperious, cruel, and ungentlemanly manner in his treatment of Mr. Hunt; and three times, in defiance of the sheriff's orders, renewed the scandalous, degrading, and disgraceful restrictions which it was the object of those orders to remove.—[Hear, hear.]—It was while suffering under these cruel orders that Mr. Hunt was struck with the gross malversation carried on in the gaol, and the necessity, if possible, of some inquiry, in the hope of exposing so much cruelty. It was under these circumstances of restriction and privation, which few men could bear up against, and with an energy rarely possessed, that Mr. Hunt surrounded by difficulties, having before him, as things then stood, an impossibility almost of obtaining a fair hearing, and little chance of getting a full or fair inquiry, it was under such circumstances, and superior to them all, that Mr. Hunt had called for, or rather demanded, an inquiry into the prison abuses. He firmly demanded it, too, against a gaoler, who had acquired a sort of character for integrity in his office; who had, in fact, obtained not only the ear of, but a degree of ascendancy over, the magistrates that should have controlled him, who used to dine at table with some of them, rather upon the footing of a companion and friend, than as a subordinate. This gaoler had succeeded, by a course of deceit, by unaccountable cunning, by a tissue of hypocrisy, in insinuating himself into the confidence of those about him, and in having so imposed upon honourable and worthy men, as to have obtained a high character for probity and humanity. It was this successful deceit which had unfortunately enabled him to continue so long a dreadful instrument of inflicting human suffering, to a degree hardly to be equalled in the annals of tyranny within the sphere of a gaoler's opportunities. Mr. Hunt first applied in the way of charge to the visiting magistrates; and at last, after stating various strong and convincing facts of harshness, and oppression, he compelled them to give ear to his complaint. The gaol-committee, then, at his suggestion, or rather upon his firm demand, instituted the inquiry; and they had not proceeded more than three days in the investigation, when, struck with the confirmatory evidence of the truth of the complaints, they offered a sort of compromise to Mr. Hunt; they agreed that the gaoler ought to be dismissed; they said his resignation should be tendered, if Mr. Hunt were satisfied not to press for further proceedings. Mr. Hunt treated this proposal as it deserved. He said—"No; it is your province to determine upon the conduct of the gaoler

as you shall think proper, and to decide upon the facts as they shall appear in evidence. I charge your public officer with being guilty of great public abuse; and I am ready to prove that charge, and let you see the nature of his conduct. I must call for inquiry, not only with a view to his punishment, but also to secure future prisoners from the recurrence of such cruelty: it is for you to conclude the matter, I shall not consent to its suspension."—[Hear, hear.] It was a singular coincidence, that the moment Mr. Hunt rejected this proferred compromise, the gaoler's solicitor, Mr. Joddrel, who, by the way, was mixed up with all these proceedings, served Mr. Hunt with the copy of an attachment for costs, which he represented himself to have been put to, by an application to the court of King's Bench, made by Mr. Hunt, in the hope of getting relief from some of the scandalous acts of oppression and exclusion to which he found himself exposed. This attachment, he repeated, was served the moment Mr. Hunt refused to stifle inquiry. And another strange coincidence was, that on the heels of it came another legal process, demanding payment from Mr. Hunt of Excise penalties, for what was construed to be a breach of the law; but which it was on all hands admitted, was quite unintentional: it was for an act, which, he must say, did not in any sense come within the purview, not to say of the severity, but of the plain and obvious meaning of these harassing laws: It was for a discovery, that roasted wheat or rye was capable of being made into a good, cheap, and wholesome breakfast-beverage as a substitute for coffee for the poor. For this discovery, meritorious and useful as he pronounced it to have been, Mr. Hunt was convicted by the Excise, and ordered to pay a penalty of 100*l.* for selling the article, and another penalty of 100*l.* for making it. No man believed, when Mr. Hunt made this breakfast-powder, that he dreamt of infringing upon any Excise law. He could have had no private or public motive to induce him to evade that law: but, notwithstanding this evident innocence on the part of Mr. Hunt, he was by a technical construction of the law, exposed to a severe and cruel penalty. Besides, he understood that a law officer of the Crown in that House had intimated, that it was not intended to press for those penalties. Yet so it was, the penalties were enforced. When this Crown extent was issued, notice was at the same time served upon Mr. Hunt's tenants, not to pay him any rent; so that at the very moment the demand for payment was made, under all the terrors of the law, to a prisoner in close custody, the parties making it took the decisive step of cutting off from him all means of satisfying their imperative demands. [Hear, hear.] Mr. Hunt in this situation, requested that the sheriff would collect the rents in satisfaction of his extent. Oh, no! the sheriff refused to collect them; and proceeded at once to advertise his estate for public sale, on account of the Excise penalties. Every body knew what was the nature of a sheriff's sale, and the condition in which all property was placed when subject to it. In consequence, a general notion prevailed that the estate was abandoned to summary confiscation, and exposed to the dilapidations which usually precede such sacrifices. He believed some timber was wantonly cut down and removed and other spoliations committed by marauders on the occasion. The day of sale was first fixed for the 10th of February, and afterwards a nearer day, the 7th, was named for the sheriff's auction. Mr. Hunt, however, found means to raise the 200*l.* to pay the penalties, and thereby saved his estate from the confiscation which threatened it. How did it happen, he must again ask, that these penalties were not called for until Mr. Hunt was engaged in detecting and exposing local abuses? Was Mr. Hunt to be told, that he could not venture to do his fellow-subjects service, but at the expense of his property? Was he to be told, that what would have been meritorious in any other person, was in him an offence, for which there was a determination that he should incur a harassing responsibility? Independant of the hardship, there was great impolicy in this proceeding. At a time when general complaints were made of the pressure of agricultural distress, when one cause of the complaint was, that the glut in the market was such, that there was no suitable demand for the commodity, here was a man who, by his discovery, opened a new channel of consumption in the market, which served both the seller and the consumer, and yet he was to be punished for his sagacity! He should have rather been presented with a reward for his ingenuity, than a penalty for a violation of law which he never could have contemplated—[Hear, hear.] And yet such had been the hard fate of Mr. Hunt.

There were, however, other parts of Mr. Hunt's treatment of a yet more atrocious character; for instance, the refusal of admittance to his visitors; and amongst them, the denial of permission to an anxious and dying sister, to take the last opportunity she was likely to enjoy of seeing an affectionate and afflicted brother. Would it be believed, that this refusal to a dying sister, to take a last farewell of an imprisoned brother, was given by a man of station in society? Or, still more would it be believed, that that man professed to be a teacher of the lessons inculcated by the mild spirit of Christianity—that he was a minister of religion, and that religion the Protestant faith—a believer in the religion of Christ? Would it, he said, be believed, that from such a man the hard-hearted and cruel refusal came to an expiring woman to take her last leave of a brother whom she loved. But so it was: she was refused this sad consolation, and she died, without ever again seeing her brother—[Hear.] How far a refusal, under the circumstances in which she was placed, tended to accelerate that doom to which she was approaching, he could not pretend to say; but this he knew, that the refusal was the most outrageous, the most atrocious, and the most repugnant act to every feeling of humanity and justice, that he knew upon record. This act had been done by the Rev. Dr. Colston, and in doing it he had not only violated his sacred duty as a clergyman, but his legal duty as a magistrate: he had paid no attention either to law or to gospel; but had ventured to forget both by a more heartless, more wicked, a more cruel and flagrant act, than had a parallel in the transactions of the most atrocious institutions that ever cursed mankind in the most cruel of times. [Hear, hear.] It was worse, taking all its attendant circumstances into the account, than any thing he had read of in the dark proceedings of the Spanish Inquisition.

It was one of the singular circumstances attending the malversation in Ilchester gaol, that the very enormity of the wickedness practised within its walls, furnished, for a long time, its best protection. The flagrancy of the deeds was such as to stagger credibility. They were, however, unfortunately proved to be too true: they were, through the persevering and unappalled energy of Mr. Hunt, confirmed by irrefragable evidence: and he (sir F. Burdett) would say, that for bringing forward such an inquiry, and for the ability he had displayed in conducting the investigation when it was commenced, Mr. Hunt was entitled to public thanks: he deserved that tribute for his fortitude at such a moment; but, above all, he was entitled to it for the benefit which his country could not fail to derive from the inquiry. Every man in England would have cause to rejoice in the consequences of that investigation; and that individual had a strong claim upon public gratitude, who had put an end to this atrocious system of prison oppression, and had held out to all the gaolers of the empire, both now and hereafter, a memorable example of disgrace and punishment. The government, too, had a right to feel indebted to Mr. Hunt, inasmuch as he had been the means of relieving them from the odium which must necessarily attach to them, for any acts of cruelty or injustice committed under their government; for in every case ministers were responsible for the guilty acts of those subordinate officers over whom it was their duty to keep a vigilant eye. This reverend doctor (Colston) among his many other acts of oppression towards Mr. Hunt, had, during Mr. Hunt's solitary confinement, by his order, and while he was, through that severity, severely afflicted with cramps and spasms in his stomach, refused his application to have the professional aid of a medical gentleman in Ilchester, who had previously attended him. The reverend doctor had treated this application with the utmost contempt, and referred Mr. Hunt to the regular gaol doctor. Now, when the House should look at the evidence respecting this gaol doctor—when they found him mixed up as a party with almost all the acts of the gaoler, and, according to his own evidence, guilty of misapplying the great means which the healing art furnishes for alleviating human affliction, for the purpose of inflicting torture upon his fellow creatures, they would cease to wonder that Mr. Hunt preferred trusting to nature and a good constitution, rather than place himself in the hands of this humane gaol doctor. It was not enough that there were to be found in that prison, chains, stocks, handcuffs. No, this would not do. There was a doctor, who did not hesitate to apply a blister to the head of a man in irons. Why? Because he was ill? be-

cause his health required it? No such thing. The blister was applied because the man was considered to be—"a troublesome fellow" [hear, hear!]. This application of blisters appeared to have been a favourite punishment in Ilchester gaol; for, by the evidence, it appeared, three persons, Evans, Halkins, and Gardner, had all been blistered. One was blistered in order to "mend his manners;" another, because he was "a troublesome jockey;" a third because it was thought "he shammed;" and so this last person was blistered on the side. Was it surprising that, with these facts before him, Mr. Hunt should decline availing himself of the assistance of this kind and humane gaol doctor? Having suffered under repeated spasmodic attacks for eleven days and nights, Mr. Hunt made application to the Court of King's-bench, and an order was made for the admission of his medical attendant; and, in consequence Mr. Hunt was now as far recovered as a person placed under such circumstances could be expected to be. Soon after this, a new chairman was appointed by the magistracy; and that gentleman took every step in his power to make Mr. Hunt's situation as comfortable as circumstances would admit. But it was for what Mr. Hunt had suffered—it was for the punishment that had been inflicted upon him beyond the law—that he now called upon them to adopt the measure which he was about to propose. That Mr. Hunt had suffered more than was intended by the Court which sentenced him, was evident from the fact of that Court having, upon his application, afforded him relief from certain restrictions under which he laboured. Let it not, therefore, be said, that by adopting this measure, they would interfere with the jurisdiction of the courts of law. In support of the allegations which he had made, he should feel it necessary to read a few extracts from the report of the commissioners. When he saw the names of the gentlemen appointed on the commission, among whom was a relation of his own (Mr. Munday), he felt the fullest confidence in the result of their labours, and in that confidence he was fully justified. At the same time, the commissioners instead of giving a colour, or endeavouring to make out a bad case, had softened down the facts stated before them as much as it was in their power as honest men to do. Yet, notwithstanding this, they came to the conclusion that the government of the gaol was the very reverse of what it ought to be; that the very situation of the gaol rendered it impossible to have effective improvement; that as to regulations for the management of the prison, they were in too many instances unattended to; and that the visiting magistrates had been remiss in the due performance of their functions; that they, in fact, had trusted too much to the discretion and judgment of the rev. Dr. Colston. Indeed it was apparent, that the other visiting magistrates rather leaned to screen this man's acts, than to investigate and correct them. With respect to the powers and conduct of the magistracy as a body, he was as ready as any man to admit their beneficial effect, but he must protest against the lumping way in which some gentlemen were prone to speak of the acts of the magistracy. It was said that they ought to be protected in the performance of their disinterested and gratuitous duty; that they ought not to be exposed to too rigid a scrutiny; and that what they did wrong, should be overlooked for its motive, and not be afterwards made the subject of inquiry. He protested against this doctrine. He objected to the opinion that because they were unpaid they should be irresponsible. If receiving no pay entitled them to freedom from inquiry, in God's name let them be paid for their services, and held answerable for their acts! But unfortunately the great body of the upright magistracy of the kingdom were thus insulted, and their real utility decried by being mixed up with these ignorant meddling, pettifogging individuals, who had crept into the magistracy to gratify some pusillanimous desire for petty power—and consequential authority, and made a gaol the scene of their tyranny, or the instrument of their malicious or corrupt oppression.

But, to return to the state of this prison: its locality exposed it to every kind of disadvantage. There were no means of effectually cleansing it, except by the constant application of human labour. The pumps for supplying the gaol with water were constantly contaminated with filth; and the various drains which ought to carry off noxious ingredients, never swept away the impurities. Nay, strange to say, although there was a river within a stone's throw of the gaol, it was deemed too great an indulgence to suffer debtors to be supplied with water

from its bed. They were not even allowed to receive a pint of beer from a friendly visitor, without permission from this humane doctor and his colleague, the equally humane gaoler. All this was contrary to the provisions of an act of parliament. Bad as was the old law for governing prisons, it was not half so severe as this wanton practice. It would be in vain to preach up the reformation of prison discipline, if torture and oppression could be inflicted with impunity. By the evidence it would be seen, that a considerable manufacture had been carried on in this gaol, and that Mr. Hunt offered to prove that the gaoler derived great profits from it. The commissioners refused to enter into that head of inquiry, and left it for the consideration of the county. Independent of the cruelty inflicted, enough appeared to show that the gaol was utterly without classification. The women were, it was true, separated from the men, for purposes of morality; but they were always locked up by male turnkeys, to whose visits they, at all hours, must have been consequently exposed. There was, in fact, an utter disregard of every thing like prison discipline in this gaol; and yet it had been held out as a model of perfection to the whole kingdom.—There was another singular thing apparent in these transactions. The turnkeys, or persons under the gaoler, instead of being selected from men who deserved reward for their good conduct, were taken from the worst characters in the gaol. So said the commissioners. One of them was a man who had been three times confined for different offences, and who was a remarkably bad character. Such were the persons intrusted with the gaoler's confidence. It was his duty to repeat, that the principal allegations of Mr. Hunt's petition were sustained by the evidence before the commissioners. A more important subject than the present could not possibly be brought under the consideration of parliament. The commissioners reported the particulars of the gross and scandalous conduct of the late gaoler, and expressed their sentiments of indignation thereat. There could, indeed, be but one opinion among all who heard him; it was not necessary, therefore, that he should more particularly advert to this part of the report. But he would just notice the case of Mary Cuer, which the commissioners described as "one of extraordinary cruelty. With a young infant at her breast, this young woman was, during a period of severe frost and snow, locked up in a solitary cell from Thursday till Sunday. She had had a quarrel with another female prisoner, who, with her infant, was also subjected to the same punishment. It appears by the evidence of Mary Cuer, that for the two first days there was no fire in her cell: that she suffered severely from cold, and that during the whole of the four days' confinement she was provided only with bread and cold water in a bucket, without the use of any lesser vessel to drink it out of, and she was not allowed the opportunity of laying out, for the benefit of her child, the money granted by the parish for its maintenance, nor even of warming a part of her own allowance of bread and water for its support; and her own milk having, under these privations, failed entirely, no mitigation to the sufferings of the infant could be derived from that source." [Cries of hear.] He did think that this was a case of iniquitous cruelty exceeding any thing he had ever heard of. He knew of no form of language, of no felicity of expression, which could be more emphatic or more affecting than this simple and unlaboured statement of a mother, with a famishing infant at her breast, shut up in a prison at Christmas—in that inclement season when the snow and frost without, increased the bodily sufferings of those who were immured within; and denied even the sustenance of water, excepting in a bucket—[Hear, hear.]—as if it were necessary that cold water should be conveyed to her in a manner which might most aggravate her other sufferings!" Good God! could the torments of hell itself exceed the misery endured by this unhappy woman? Was it possible for the human mind to conceive a picture of greater agony, than a helpless mother, thus excluded from all relief, from all sympathy even, with an infant starving at her breast, and her ears for ever pierced with the unavailing cries of her offspring for its food? Could any ingenuity produce a more deplorable or afflicting case? And did facts like this lay no ground for the proposition he was about to submit to the House? Why, he was prepared to say, that if Mr. Hunt had done no more than bring to light such enormous cruelties as these, and thereby become the cause of preventing such scenes from ever occurring again in our gaols, he might reasonably claim some consideration from a body professing, to a certain degree at

least, some sympathy with the feeling of the public. On this ground alone Mr. Hunt would surely be entitled to some manifestation of favour from that House. If a House of Commons, at a former period of our history, had received an eulogy from a celebrated poet, for having inquired into the abuses of gaols, and detected the evils of the then existing system —if Thomson could have been moved to commemorate that band of patriots, not to be forgotten—

"Who, touch'd with human woe, redressive search'd
Into the horrors of the gloomy gaol,
Unpitied and unheard, where misery moans,
Where sickness pines, where thirst and hunger burn,
And poor misfortune feels the lash of vice:
While in the land of Liberty, the land
Whose every street and public meeting glow
With open freedom, little tyrants rag'd,
Snatch'd the lean morsel from the starving mouth;
Tore from cold wintry limbs the tatter'd weed;
Ev'n robb'd them of the last comforts, sleep;
The free-born Briton to the dungeon chain'd:
Or, as the lust of cruelty prevail'd,
At pleasure mark'd him with inglorious stripes"—

if, for the exertions which a House of Commons at that period made in such a cause, it had received this memorable eulogy, what ought to be the praise bestowed on Mr. Hunt? What was his desert, who had brought to light such a monster as this execrable gaoler? [Hear.] Let gentlemen consider how Mr. Hunt was situated when he rendered his country this great service. He was under the lock and key of the same relentless torturer, and even his life was in danger; for under the same roof with such a gaoler, no man's life could be safe. It appeared, however, that the visiting magistrates had offered to compromise matters with this disgraced character, after Mr. Hunt had succeeded in making known these enormities. Was it not too much that these gentlemen should think of leaving Mr. Hunt in the power of this man, after such exposures had been made? He would confess, that to him it appeared almost providential and miraculous, that the other unfortunate beings, broken down in mind, and spirit as they must have been, should have had the energy to establish charges of so atrocious a nature against a gaoler under whose control they were. It was highly important, in order to show the extent of Mr. Hunt's sufferings, to read that part of the report of the commissioners, which described the state of the apartments in which he had been placed. "We had the opportunity of seeing these three wards under different circumstances of weather; and the impression left on our minds is, that they are, for the purposes to which they are intended to be applied, the most objectionable part of the gaol. It is in this part that the inconvenience of high walls is most sensibly felt: with a northern aspect and no good admission of air, all the worst effects of damp prevail in an aggravated degree; the cold evaporations of wet seasons and the heat of the summer, each generate a species of atmosphere distressing and insalubrious. When to this is added the distance from that assistance so constantly required in hospitals, we consider the ward intended for the sick peculiarly ill-suited to its purpose. When we visited Ilchester, this ward was occupied by Mr. Hunt and the adjoining refractory ward, was given up to two prisoners who attended upon him. The magistrates appeared to have made many alterations calculated to improve the apartments for the occupation of Mr. Hunt; and in the general arrangement, it did not occur to us that the gaol could have admitted (without great sacrifice) of a disposition more conducive to his comfort. So long, however, as such an exclusion of sun and air continues, the main objection to the ward cannot be considered as removed." Why, the mere exclusion of sun and air from the prison chamber of a man who was sentenced to be confined there two years and a half, was a pretty considerable grievance in itself. But if, in addition to being confined in this way, he was to be subjected to the cruelty of his inhuman gaoler, it was no great mercy not to have taken away his life at once. Of the visiting magistrates he should not say much, excepting only of the rev. Dr. Colston. However extraordinary it might seem that an individual of his profession should be so disposed, it was not less true, that Dr. Colston appeared to have been the man, who, on every possible occasion, was foremost in his endeavours to deprive a prisoner of the means by which his health might be preserved or his comforts extended. Nay, the disposition of this rev. gentleman towards Mr. Hunt was manifested even after the new gaoler had gone down to the prison. That individual, for the sake of ventilation, had left a little

door open, which led into a sort of yard near Mr. Hunt's room. But, then down came Dr. Colston, and notwithstanding that the commissioners had reported this indulgence in terms of commendation, and that every principle of common humanity and common sense required its continuance, he ordered the door to be shut up. At present, however, not only this door was again left open as before, but even the high walls, which had been complained of had been lowered so as considerably to improve the ventilation of the gaol. He (sir F. B.) did mean to say, that, after Mr. Hunt had been thus subjected to the vexatious caprices of an arbitrary magistrate, and of a brutal gaoler—after he had passed twelve months of solitary confinement (and it was important to remark, that solitary confinement formed no part of his original sentence), an aggravation which was never intended to be inflicted—he had a fair claim upon the consideration of parliament. His cause was still further aggravated, by the insult contained in the observation of an hon. member, who had said, that Mr. Hunt's was a voluntary solitary confinement; because, forsooth, Mr. Hunt did not condescend to avail himself of a permission to walk in a very small room or yard, with felons and other prisoners, who had obtained "a rule" as it was termed. Mr. Hunt did not care to mingle with these unhappy men, covered as many of them were with filth and rags. The offer itself was only adding cruelty to insult. And on the subject of the cruelty exercised towards Mr. Hunt, it was proper to state, that at first he was allowed to see some persons among his friends; then he was forbidden to see certain others of them; and at length Dr. Colston positively prohibited all visitors whatever. These severities had aggravated the original sentence of Mr. Hunt beyond all measure. Another thing not to be forgotten was, that Mr. Hunt was only one out of a number of persons who were included in the same verdict. There were Johnson, Healy, Knight, and another individual, who were all of them included; and if there was any guilt in the transaction in regard to which they were tried (though he was at a loss to conceive how any guilty intention could have existed on that occasion, and certainly none was proved against them), each of those persons was more guilty than Mr. Hunt. Mr. Hunt was an invited person only; but the others had framed the resolutions, and originated the meeting. Yet, strange to say, they had been sentenced to one year's imprisonment only in Lincoln gaol; and none of these four individuals had had any reason to complain of unnecessary severity. Was it possible for the public to form any other judgment on the subject than this—that Mr. Hunt was, in truth, the victim of vindictive feeling? The people did think that his majesty's government had done themselves no good by their treatment of this individual. They had, in fact, by their own act and deed, elevated Mr. Hunt into the character of a martyr. They had taught the people to look up to him as their victim; and after the exposures which he had caused to be made, the people could not but feel that he had done a most important service to his country. The inquiries which Mr. Hunt's representations had led to, must, ere long, tend to produce an entirely new modification of our gaol system, and of the severities of solitary confinement. However well intentioned the late Mr. Howard might have been, his system in this respect had been productive of more mischief than any other system of imprisonment. In this day it was common to hear declamations against theories as Utopian; but he knew of none that more deserved that name than the scheme for making a prison a house of reform. It was only justice, however, to admit, that Mr. Howard only intended, that the solitude of imprisonment should relieve the guilty from the contagion and example of crime. It was his wish, that the imprisoned should be treated with the utmost humanity—that they should be visited by chaplains and magistrates—that they should be expostulated with, made sensible of their crimes, and reclaimed from the paths of wickedness to those of virtue. He never wished that, under his system, men should become imbecile, or driven to madness and despair. That humane individual never desired that human beings should be shut up in places where one would not keep a dog. But the men, who, to a sentence of more than two years solitary confinement, had superadded numberless cruelties, who on the victims of such a sentence had in many instances aggravated punishment by insult, had introduced into the country a system of imprisonment totally repugnant to every feeling of humanity, every principle of justice, and every dictate of common sense. On the

grounds he had stated, he did trust that Mr. Hunt would be considered to have some claim to the favourable treatment of that House. If ministers wished that these deeds of darkness should be brought to light, and checked in their origin, they must feel that inquiry and detection were the only means of effecting their wishes; but if, on the other hand, they thought that such detection was mischievous, they would perhaps consider, not that Mr. Hunt had any claim upon them, but that he was a fit object of further punishment. Be that as it might, the public would not come to this last conclusion. Whether, however, they would remit the smaller and by far the lighter part, of Mr. Hunt's sentence, it was now for them to judge. For his own part, it became his duty to submit to the House three propositions: 1st, that Mr. Hunt's sentence was originally more than sufficiently severe; 2nd, that that sentence had been aggravated by the abuse of the powers vested in the local authorities of his prison; and thirdly, that he possessed some claim on the public gratitude by reason of the successful exposure which he had made of the abuses existing in the prison at Ilchester. If hon. gentlemen should agree with him in all, or in any of these points, he trusted that they would not think the course which he was now about to propose, at all objectionable; namely, an address to his majesty, which would give him the opportunity of exercising that prerogative which he felt assured was most congenial to his majesty's beneficent disposition, by remitting the remaining portion of a punishment, the complete infliction of which could be attended with no public benefit. He therefore moved, "That an humble address be presented to his majesty, praying that he would be graciously pleased to remit the remainder of Mr. Hunt's imprisonment."

Mr. *G. Dawson* declared, that in the observations he was about to offer, he did not mean to defend the departure which had taken place from all principles of humanity, in the conduct of the late gaoler of the prison in question. At the same time he thought that the feelings of men might seduce their judgments. No man ever went to a dungeon where he witnessed the situation of an unhappy convict, without having his compassion highly excited. He proposed to examine into the charges of cruelty preferred on the part of Mr. Hunt. The hon. baronet had assumed, that the sentence passed upon Mr. Hunt was too severe. He (Mr. D.) did not conceive that he should be justified in opening this question, and on such a subject he could not but bow to the decision of the learned judges who passed that sentence. It did happen, however, that Mr. Hunt's own complaints included not half the grievances stated by the hon. baronet. Mr. Hunt had made no complaints about the blister on the head—the irons—the water-bucket; but had represented, that he was confined in a dark room, with a high brick wall, which shut out the sun, and that he was debarred from communication with his family. In regard to the matter of cruelty, the hon. baronet, so far as Mr. Hunt was concerned, had totally failed to establish his charge; and if he (Mr. D.) should be able to show that Mr. Hunt had himself praised the salubrity and convenience of his apartment, he did trust that that part of the question would be entirely disposed of. On the 15th of May, 1820, Mr. Hunt was sentenced to two years and a half imprisonment. When that sentence was passed he applied to Mr. Justice Bayley, to know whether his confinement was intended to be solitary? Mr. Justice Bayley replied, "Certainly not;" and added, that if Mr. Hunt should find reason to complain of improper hardship, he might appeal to the Court. On his arrival at Ilchester, Mr. Hunt was placed in a room of the prison which the hon. baronet had been pleased to call a dungeon. It was, however, situated in the female ward of the prison, and, therefore, not very likely to be placed in the most uncomfortable situation. When Mr. Hunt first arrived, two or three beds were in this room, and did remain there for one night, in consequence of the absence of the gaoler; but on his return they were removed, and a comfortable feather bed was provided for him at the expense of the county. The persons with whom Mr. Hunt had been described as not condescending to mix were not felons, but imprisoned for misdemeanors only. For the convenience of Mr. Hunt, bells were hung; and the floor of his apartment, which before was of stone, was replaced with one of wood. This was at Mr. Hunt's own suggestion. To show that these attentions were felt and acknowledged by Mr. Hunt, he would now read a letter from that gentleman, in which he stated—"I believe no man that ever lived was more happy than I am

here. In fact, I have every possible care taken of me." [Hear.] It was dated July, 1820. It was true this was only a few weeks after his committal; but he (Mr. D.) begged the House would bear in mind the contents of this letter. Shortly after the appearance of this letter, an order was made by the visiting magistrates for the admission of Mr. Hunt's family. Among the visitors who came, however, was a Mrs. Vince, a woman who was notoriously living (her husband being still in existence) with Mr. Hunt, whose wife was also alive. This was considered to be too grossly immoral. [Cries of "hear."] Such a scandalous connexion the magistrates were bound to discountenance; and they forbad these visits accordingly. From the time that Mrs. Vince was refused admission every thing became jaundiced in the eyes of Mr. Hunt. He applied to the Court of King's Bench, and in his petition prayed, "that no other punishment might be inflicted upon him than that which had been awarded by the Court." He asserted in his affidavit, that, on being conveyed to Ilchester, he was placed in a cold, dark, miserable dungeon—that he was not allowed fire irons or fender (no very important deprivations,) and that his health was materially injured "by being confined within the pestilential walls of a small yard." How did this statement correspond with the letter Mr. Hunt had published in the "Sherborne Mercury?" He had there been guilty of a voluntary falsehood, or in his affidavit had committed a wilful perjury. He complained also to the Court, that "the females of his family" were driven away in a brutal and ferocious manner. The Court of King's Bench called upon the gaoler and the magistrates for their reply, and they put in an answer so satisfactory, that the complaint was dismissed with costs. Besides, whom had Mr. Hunt called "the females of his family?" One of them was a woman with whom he was living in open adultery. The females of his family, properly so called, had never been excluded—his mistress only was refused admission. The refusal of the Court to interpose, was, he thought, a sufficient warrant for the House to reject this motion. He admitted that some slight hardship might have arisen out of the want of accordance between the magistrates and the sheriff; they did not act together: and what at one time was refused, at another was granted. It would have been far better if this vacillating system had not been pursued; but even by that Mr. Hunt had been a gainer, for he had been allowed to continue his adulterous intercourse in the most unblushing manner. The House, however, had nothing to do with this want of concert between the local authorities. The simple question for it was, whether the punishment, as it had been inflicted, was disproportionate to the offence of Mr. Hunt, and whether any thing had been done contrary to the sentence of the Court? He did not think that his imprisonment had been attended with any unnecessary restrictions. His medical, legal, and personal, nay even "the females of his family," had been admitted, although, for some time, an objection, on the score of decorum and morality was made to Mrs. Vince. The restrictions complained of had continued till the 16th Dec., 1820. When sir C. Bampfylde took the management of the gaol into his own hands, free access to all Mr. Hunt's friends was allowed; but no sooner had sir C. retired, than the magistrates thought themselves bound to put the rules of the prison in force, and they supposed that Mr. Hanning, the new sheriff, would continue the opinions he had held as a magistrate. Matters thus remained until the investigation, when Mr. Hanning relinquished his previous notions, and admission was again given to Mr. Hunt's mistress. The magistrates again succeeded in procuring her exclusion; but, subsequently, the admission of Mr. Hunt's friends, male and female, was granted at all times of the day; and at the present moment the only hardship he suffered was the deprivation of personal liberty. That the magistrates had the right to impose and enforce these restrictions there could be no doubt; as the 32 Geo. 3rd, c. 60, was passed for the special purpose of giving visiting magistrates authority. There was no reason why Mr. Hunt should not be treated like all other prisoners; yet he had been even more favoured than the debtors; for the debtors in Ilchester gaol were not allowed to be visited by their wives. He was of opinion, that the magistrates would have forfeited their characters and neglected their duty if they had permitted the adulterous intercourse between Mr. Hunt and Mrs. Vince. Of all men in the world, Mr. Hunt had the least right to expect favour. He had run a long and dangerous career; and, with a considerable

share of talent, he had applied it to the worst purposes. He had thrust himself forward every where: he had even gone out of his way to attract popularity: he had put himself at the head of mobs, rebels whom he had instigated to rapine and violence; he had put himself at the head of a new school of rebels, infidels, and blasphemers. He had kept the country in a constant state of alarm, until his course was happily at length arrested by the strong arm of the law. Since he, with those incendiaries Wooler and Carlile, had been safely imprisoned, order and tranquillity had been re-established. He trusted that the result of that night's discussion would not afford a hope to the friends of confusion and anarchy that the public mind would again be poisoned by the seditious artifices of a Wooler, or by the odious blasphemies of a Carlile.

Mr. *Hobhouse*, from the temperate opening of the hon. under secretary, had not at all anticipated the heat and violence of his conclusion. If such men as Wooler and Carlile endeavoured to inflame the country, such men as the hon. gentlemen and his friends did their utmost to inflame the House, to excite its passions against an unfortunate individual, by mixing up his name with those with whom he was not in any way connected. In this attempt the hon. gentleman had shown far more skill than fairness, though the portion of skill, judging at least by its effect, was indeed scanty enough. He begged the hon. gentleman to show him, if he could, what Wooler or his "seditious artifices" had to do with this debate, or how Carlile and his "odious blasphemies" affected the question before the House? He had heard of no blasphemy of Mr. Hunt's, no impiety, no infidelity. He was not so well acquainted with the writings of Mr. Hunt as the gentlemen opposite seemed to be; but there certainly was nothing of these imputations against him there; there was no such crime on the record, and he protested against the associating Mr. Hunt's name with invidious topics, merely for the purpose of diverting them from the consideration of his claims on their justice. The hon. gentleman had failed to show that the statement of his hon. colleague was in any respect exaggerated. In endeavouring to discredit the testimony of Mr. Hunt, the hon. gentleman had discredited the commissioners. Every thing which the hon. gentleman alleged in defence of the magistrates and gaoler, had been set aside by the commissioners. Every charge against the gaoler and magistrates, made by Mr. Hunt, had been substantially admitted to have been proved. The hon. gentleman had gone out of his way to give them a lecture on adultery. He trusted he had as much love for morality as the hon. gentleman. Certain it was, that the friends of liberty in that House had much more need to be pure in their morals than gentlemen on the other side, as their conduct was more closely watched, and was commented upon with malignity, with (as an hon. gentleman had suggested to him) paid malignity. But he recommended to the hon. gentleman to be cautious on that topic, as, when he uttered censures on immorality in general, he knew not how high his shafts might reach. His condemnation might affect persons very different from the defenceless individual whom he had dragged forward on the floor of the House. The intercourse of Mr. Hunt with Mrs. Vince was no doubt to be considered scandalous; but who were the persons who complained of it? The magistrates who had permitted an improper intercourse to exist between the male and female prisoners, and Mr. Bridle, who, there was good reason to suspect, had carried on an improper intercourse with a female prisoner. How, then, did the hon. gentleman pour all the thunders of his morality on Mr. Hunt alone? The magistrates, however, were not so confident in their morality as the hon. gentleman, for they had withdrawn their prohibition, and Mrs. Vince was now allowed to visit Mr. Hunt. The hon. gentleman had relied on the fact, that Mr. Hunt had thought differently of the gaol at the beginning of his imprisonment. But, the hon. gentleman had not told them the date of the letter on which he relied. The letter was written in July. Mr. Hunt had only been committed at the end of May, and it was to be observed that in the summer months the inconveniences of which Mr. Hunt complained were not perceptible. If Mr. Hunt, after that short residence in the gaol, thought it a place in which a man could be happy, he was as much deceived as to it, as the hon. gentleman who had not been there, or the members who had formerly come forward to vouch for its good management, after what they had thought an examination, and the county members, who had seen it hundreds of times, and who were

astonished at the enormities which this investigation had brought to light. Let the House forget the lectures of the under secretary, and look only at the report of the commissioners. The commissioners said, that Mr. Hunt's cell must suffer for want of sun and air; and when it was considered how *trifling* these ingredients of human existence were, they would know what to think of his situation. But the magistrates, though they would not allow him sun or air, gave him something to lie on when he was sick—a feather bed. Now this munificent gift, purchased at the expense of the county, and dwelt on by the hon. gentleman, was not thought worthy of notice by the commissioners who perhaps thought it better to provide for continued health than for inevitable sickness. But not only had a feather-bed been given to Mr. Hunt, but a bell to ring up a gentleman in livery—one of the prisoners, with his coat turned inside out to attend him. But this indulgence was thought too much for a person of so determined a character of wickedness as Mr. Hunt, and the bell was taken away. But even this great, though transitory happiness, was not mentioned by the commissioners, who did not seem to imagine that the evil of a want of sun and air could be effectually mitigated, either by the feather-bed or the bell. It was not to be contended, that because Mr. Hunt had been sentenced to imprisonment he was to be treated as a common felon. There were certain cases of imprisonment in which allowances were to be made to the prisoners. The under secretary of state might be safely appealed to on such a point. The three successive sheriffs of Somerset had taken the same view as he had. The court of King's-bench also declared, that no addition should be made to the suffering of confinement. The hon. gentleman had allowed that Mr. Hunt had been made the subject of irritating contradictory orders, but he had said, that Mr. Hunt had derived an advantage from them. How this could be he could not conceive. If Mr. Hunt had at once known what he had to suffer, he might have braced himself up to the endurance of it; but he had at at one time been treated with some mildness—at others plunged in the extremest severities. The hon. gentleman had conceded much of the case. He had allowed the enormities—he had allowed the cruelties perpetrated in the gaol. But, after stigmatizing in their proper terms the enormities of the gaol management, had he no gratitude to him who had brought these enormities to light? He (Mr. H.) could consider Mr. Hunt in no other light, in this instance, than as a public benefactor. He had no reason to regard Mr. Hunt with personal favour: he considered him merely in his public conduct in the investigation of abuses. The hon. gentleman had misrepresented his hon. colleague, in his remarks on Mr. Hunt's sentence. All he had said was, the two years and a half imprisonment was punishment enough for an anomalous crime—not known to be a crime even by the prosecutors—scarcely contemplated as a crime by the jury—an offence which had made it necessary to send the jury back. The hon. gentleman had said, that so much respect should be paid to the tribunals, that their sentences once delivered should be exempted from reflection or censure. He (Mr. H.) had not read the constitutional law of the country. It was one of the most useful duties of representatives of the people, to shew judges that they were not to be exempt from censure, even on their high seats, when the language of revenge spoke in their sentences; and if there was to be liberty in England, not liberty which was merely to round a sentence, but to form the happiness of a nation, this scrutiny must still be exercised over the whole conduct of judges, but especially over the sentences of judges on criminals of state. To those who thought the character and talents of Mr. Hunt full of danger, he would say, that the danger would be augmented by continuing what the mass of people now considered an unjust punishment. On those who did not consider Mr. Hunt as dangerous, as well as those who did—on all who knew what he had done, and what he had suffered, he called as men and gentlemen, and (by a name which involved still higher duties), as Christians, to agree to the motion.

Mr. *Dickinson* thought, that he could not better begin the observations he intended to make, than by referring to an observation that had been made on this subject, by his worthy friend, the member for Norwich, who had said, that at the commencement of the Coldbath-fields examination, the magistrates had persisted with pertinacity in defending their gaoler. He wished the conduct of the magistrates of Somerset to be contrasted with this.

On the first symptom of accusation, they, together with the sheriff, appointed a committee of their own, to investigate the abuses, the conclusion of which was the dismissal of the gaoler and the surgeon. Of the surgeon's general character, from long acquaintance, he could bear testimony, though he could say nothing with effect to mitigate the sending the blister as a punishment. The hon. baronet had spoken with considerable severity of a misdemeanant, who he said had been appointed as the companion of Mr. Hunt on his going into prison. Any gentleman who would read the evidence would see that there was some reason for this asperity. He would refer to the examination of Wyatt, who was a witness in the true sense of the word, for he was only convicted of an assault, whereas most of the other witnesses, especially the one against Dr. Colston, was a convicted felon; and unless he was pardoned his testimony could not be received in a court of justice. But it appeared in p. 335, that Wyatt had been his servant, and not his companion, for nine months; and in the way in which his services were rejected, and the way in which the relation of master and servant was concluded was, by Mr. Hunt contriving with Hobbs, a turnkey, to have him placed in solitary confinement for twenty-four hours; and for what?—because he came one day suddenly into his room, and found his ward, Miss Gray, sitting upon his knee. This produced great anger on the part of Mr. Hunt at the moment, and ended in the punishment he had stated: the history of this transaction was in the evidence of Wyatt, p. 335. Much had been said of the cruelty practised on Mary Cuer, and which he did not intend to palliate; but this he knew, that the attention of the visiting magistrates was not drawn to it, and that the attention of nobody was drawn to it, till two years after the transaction; and there seemed to be a good deal of variation in the testimony of this witness. The hon. baronet had mentioned two facts, that had that night for the first time met his ears: one was a compromise between the gaoler and the magistrate for his retirement, and on which he thought there must be some mistake; for he had been a party to his dismissal, and had never heard of any compromise. The other was, that Dr. Colston had denied admittance to Mr. Hunt's sister when she was in a state of health in which she could not last long. As he had never heard of this, he with difficulty believed it to be a fact; and he would now repeat what he had said on a former occasion, that from a long acquaintance with Dr. Colston, he believed, although he might, like others, sometimes mistake the nature of his duties, yet he believed him incapable of a deliberate act of cruelty. The nature of the solitary confinement of Mr. Hunt was this; he had, above the other prisoners, the power of walking three hours and a half in the day in the time-yard—a space longer than the length of the House of Commons from its outward walls; he had two times-men to attend him as servants; and in other respects he was like the other prisoners. This could not be termed solitary, nor any thing like it; and yet he was ready to say, that he believed it a more rigid imprisonment than was intended for him by the court of King's-bench! We had heard, that a feather-bed had been afforded him only on his first entrance. In fact, the magistrates had studiously endeavoured to make his apartments comfortable; and, if it was a question at this moment in a court of justice, he would not hesitate to call the hon. baronet to prove, that his upper apartment was as airy an apartment as a man need have; that his lower apartment must of necessity partake of this good air; and that, upon the whole, barring the gloom of a prison, his apartments were such as a man sending his son for the first time to the University would be delighted to find in a college. But, in order that the lower apartment might be made more airy, he had lately, with the other visiting magistrates, visited the gaol, and had ordered that the cross walls might be lowered as far as was consistent with safety; and, as Mr. Hunt had unfortunately contracted a complaint in his eyes, that green blinds might be furnished, to give a more commodious shade to the room. Nobody could lament more than he did the vacillations that had taken place in the councils of the magistrates of Somerset; but the magistrates, nevertheless, had been consistent in their orders, and the sheriff being of a different opinion gave more the appearance of inconsistency than was, in fact, the case. There were no signed rules; and therefore the magistrates thought that they could not follow a better direction than the rules as they were, and these they applied to Mr. Hunt; and whether they

ought to have been applied to him or not, there still existed two opinions. But the magistrates knew that they, as a body, were the "custos morum" of the county, and they felt the impropriety of permitting the bad example to be introduced into the gaol, of a cohabitation with a person not his wife, who, notoriously for many years, had been in the habit of living with him. He was the first political offender that had been placed in Ilchester gaol, and it was well thought that no leniency ought to have been shown him on this account; for it was known that political offences were often more mischievous in their results than others, and that they were so contemplated in the law; for the highest offence of that kind, that of high treason, was visited by peculiar punishments. For himself, and a minority of the magistrates, he was of a different opinion, and perhaps he was guided by a law maxim that he had read in the former part of his life, which was, that prisons were "ad conservandos homines, non ad puniendos;" and besides this, he was more inclined to look generally on the subject, and to be governed by the practices of other gaols with regard to this description of offenders. But the authority of Mr. Justice Best silenced his opinion; and after that he owned that he thought it in vain, and he had made no further effort for the unrestricted imprisonment of Mr. Hunt. If the magistrates had acted with impropriety, there was an appeal to the highest tribunal in this country. If it was a new offence, the court of King's-bench had the power, if it chose to exercise it, of speedy and summary proceeding to bring it before them. Nobody questioned its impartial distribution of justice: it was peculiarly watchful over all inferior tribunals. The magistracy of the counties were one of its principal cares: they there knew what countenance to receive for the performance of their duties, and what punishment for their neglect. With regard to his vote that night, it would be against the motion of the hon. baronet. He felt actuated by no feeling of hostility to Mr. Hunt. He lamented the necessity of inflicting on any man two years and a half's imprisonment. But Mr. Hunt had been guilty of a most dangerous offence—that of assembling, with a bad design, an immense number of people. The principle of his punishment was, to deter others from committing a similar offence—"pœna ad paucos, ut metus ad omnes perveniat." He believed it had had its good effect in checking such meetings; and as he hoped the dread of a similar punishment would remain on the minds of the disaffected, he should oppose the motion [Hear!].

Mr. *Peel* said, that the strong impression he felt, that this particular subject was not fit for the consideration of that House, was a sufficient guarantee, that he would not trouble them with many observations. He felt that he might almost put it to the House, whether, in the course of the hon. baronet's speech, he had laid down any thing like sufficient grounds to induce parliament to interfere with the exclusive prerogative of the Crown, and to depart from that which had been the unvaried practice of the House ever since the Revolution? That practice was, not to express any opinion as to the continuation of a punishment awarded to an individual by a court of justice. On the propriety of adhering to that wise and rational practice, unless compelled to depart from it by some overwhelming necessity, there could be but one opinion. But, if there were one man who, more than another, ought to entertain the opinion that this practice should not be departed from, the hon. baronet was that individual. With his avowed opinions of that House—with his recorded complaints of its encroachments on the peculiar province of the Crown—he conceived that the hon. baronet ought to be the last man to propose a precedent, which, if once established would arrogate to that House a power, than which none could be conceived more fatal to the constitution; since it would have the effect of enlarging the functions of the democratic part of that constitution far beyond its useful and natural boundary. The question was simply this—was there, in this case, circumstances of that overwhelming nature, which should tempt the House to interfere with this most important prerogative—that should induce them to meddle with that peculiar attribute of the Crown, which was wholly alienated from the powers of that House, and was unconnected with the ends for which it was instituted? Before he applied himself to the particular case now before the House, he would offer a remark or two on the observation with which the hon. baronet had prefaced his speech. The hon. baronet alluded to a communication which he had had some time ago,

with him relative to the punishment which had been awarded to certain individuals who were apprehended on suspicion of a highway robbery. The hon. baronet had said, that he (Mr. P.) must not consider it as arising from want of courtesy, if he did not pay him a compliment for the course he had pursued on that occasion. Good God! could any one suppose that he expected a compliment on such an occasion? He should consider it as the most severe satire, if it could be imagined that he looked forward to a compliment because he had discharged a duty. The hon. baronet had stated to him the case of two individuals, who were suffering punishment on account of a highway robbery. But on examining the facts of the case, their conduct assumed the character rather of a culpable frolic than of a felonious design. When acquainted with all the circumstances, he had taken the necessary steps for remitting the remainder of the sentence, and the individuals were liberated. He claimed no merit for this act, which, as he before said, was an act of duty. The exercise of mercy ought to be as prompt and as pure as the visitation of justice. Where good reasons were advanced for the extension of mercy, he would immediately attend to them; but he never would consent to recommend any one on the ground of personal favour. But the inference which the hon. baronet attempted to draw from this transaction was, that the system which he (Mr. P.) was anxious to adopt would lead him to call for the remission of Mr. Hunt's sentence. In the transaction to which the hon. baronet alluded, he had been influenced by a sense of public duty alone; and if he opposed the present motion, his opposition sprang from the same source. After having fully considered the subject, the strongest conviction was impressed on his mind, that nothing could be more inexpedient, nothing could be more fatal, than that the House should agree to this address. They would, if they allowed this motion to be carried, establish a most dangerous precedent. Who was Mr. Hunt, and for what crime had he been committed to this gaol? The hon. baronet had quoted several writers to show that his offence was *inter minora crimina;* but he must look to the intentions of Mr. Hunt, if he wished to discover the particular crime for which that individual was punished. The duty of inquiring into the motives of Mr. Hunt was not assumed voluntarily by him. That duty was imposed on him, by the hon. baronet's motion. The hon. baronet had put him on his trial—he had called on him to state to the House on what grounds he refused to recommend a mitigation of Mr. Hunt's sentence. His reason was recorded in the criminal jurisprudence of the country, where it was entered, that Henry Hunt and others were found guilty of "assembling with unlawful banners, and in an unlawful manner." [Cheering from the Opposition benches.] Was it possible that such a statement could be treated with contempt? Was it possible that a meeting which assembled with unlawful banners, for the purpose of inciting the liege subjects of the king to hatred and contempt of his government, could be treated with levity? If it were so, let that circumstance operate as a warning to the House not to agree to this motion. Let the House well consider the consequences before they acquiesced in an address which told the country that the charge brought against Mr. Hunt was so slight, and his conduct so admirable, that the Commons of England were induced to interfere, and to call on the Crown for a mitigation of punishment. Was there any man who had read what had occurred in Lancaster within the last fortnight, without being convinced of the magnitude of the offence? Did any man see, in the full consideration which the subject then received—in the perfect establishment of all that had been stated on the ministerial side of the House—in the complete refutation of what had been called the Manchester massacre—did any man see, in these circumstances, the least reason for supposing, that the meeting was an innocent one? Had gentlemen read those proceedings? Had they, professing as they did a respect for the decision of a jury, considered the verdict which was returned by the jury at Lancaster? Were not the most decisive proofs given of the previous drilling—of the manner in which the parties marched—of their inflammatory banners—and of expressions which left no doubt as to the almost avowed object of the meeting? Were they, after such evidence, to be cajoled into a belief, that the object of the meeting was peaceable—that it was only assembled to petition parliament for a redress of grievances? Would they suffer themselves to believe this, and allow the constitution to be

sapped and undermined, and invaded, by those who took advantage of the liberty which that constitution provided, in order to destroy it with the greater security? He could never view the sentence pronounced on Mr. Hunt as too severe for the crime he had committed. Believing, as he did, that his punishment was fully merited—conceiving that the evidence adduced at his trial fully supported the charge that was preferred against him—he never would, as a servant of the Crown, advise the Crown to remit any part of his sentence. Nay, he would declare, with all respect for the decision of that House, that even its unanimous assent to the motion of the hon. baronet would not induce him to depart from the line of conduct he had adopted, after the most mature consideration that he could possibly give to the subject. He saw nothing in the case that called for commiseration. He saw nothing but accumulated proofs of Mr. Hunt's enormous guilt, in availing himself of that distress by which the country had been visited, for the purpose of inflaming the minds of those with whom he had no other connexion except a community of bad feelings.—And, if he saw nothing in the case of Mr. Hunt that called for parliamentary interference, still less could he see any thing that ought to influence the House in those other circumstances which the hon. baronet had thought proper to introduce. The hon. baronet said, that the sentence of Mr. Hunt was aggravated by the conduct of the magistrates; and he also stated, that he would confine himself to Mr. Hunt's case, and leave all discussion relative to the general discipline which had prevailed in Ilchester gaol for the motion of the hon. alderman (Mr. Wood). Here he wished to observe, that when that motion was brought forward, he would be ready to discuss it, and most certainly he would not defend those acts of arbitrary power which were alleged to have been committed. He would fully state his opinion then; but until then, as he saw no necessary connexion between the question now before the House and the system which had prevailed in the prison, he would abstain from noticing it. He would not follow the example of the hon. baronet, who, perceiving that there was nothing in the case of Mr. Hunt, had, with the skill of an artist, referred to other facts in order to inflame the passions of the House. No motion was introduced, it should be remembered, for the release of those prisoners who were thus incidentally mentioned; but Mr. Hunt, who, of all the prisoners in Ilchester gaol, had suffered the least, was selected as an object of special favour. He would put out of the case, the woman who was placed in solitary confinement—he would put out of the case, the blister which was applied to a prisoner's head. No man could defend such acts; no man condemned them more than he did; but he now rejected them, because they were not connected with this motion. The House, if they meant to decide dispassionately, would leave out of their consideration subjects that were not before them. He found that the magistrates and the gaoler had issued contradictory orders with respect to Mr. Hunt; but he must impute the necessity in which that conduct originated to Mr. Hunt himself. Now, admitting every thing that had been stated to be true, supposing that nothing more horrible could be found in the annals of the inquisition than was experienced in that gaol, why, he asked, was Mr. Hunt selected from amongst the sufferers, as the only object of mercy? Was the insalubrity of the air the great cause of complaint? That was an evil, if it existed, which all must feel as well as Mr. Hunt. In the course of twenty years, about 25,000*l.* had been expended on this gaol, to make it as convenient as possible; and, at the present moment, many persons were confined there who had not been convicted of any crime, but who had the misfortune of being in debt. Now, was it consistent with justice to call on the Crown to mitigate the sentence of a convicted offender on account of the insalubrity of the gaol, while persons who were confined as debtors, were exposed to the same evil? Could they possibly request the Crown to relieve the one, without relieving the other? Or, if they did, would not the omission be fatal, and justly fatal, to the application?—With respect to the other ground advanced by the hon. baronet, that it was through Mr. Hunt's means that an inquiry was set on foot as to the conduct of the gaoler, and that very important disclosures were made in consequence, he must say, that if the hon. baronet compelled him to look at the conduct of Mr. Hunt, he must also take a view of his motives. He did not think that the motives of Mr. Hunt were of the most disinterested character. He believed, also, that had he been placed in any other

prison in England, some ground would have been discovered on which, in the opinions of some, a secretary of state ought to recommend the remission of his sentence. On the three grounds which formed the main branches of the hon. baronet's argument, he must oppose the motion. The hon. baronet had, he thought, utterly failed in making out a case. He had not shown that the conduct of Hunt was such as demanded the interference of government: he had not shown that the severity of his sentence had been aggravated by the conduct of the magistrates: and he never could be induced to think that the punishment of the offender was uncommensurate with the offence he had committed. On these grounds he would oppose the introduction of a principle which had not been acted on since the revolution. But above all, he implored the House not to let it go forth to the country, that they relieved this man, because he was guilty of sedition, while innocent persons, who were suffering through unavoidable misfortune, were left, unpitied, to their fate.

Sir *J. Mackintosh* said, that, before he proceeded to state the grounds on which he would give his vote, he was anxious, on account of the tone which had been adopted by the right hon. gentleman, to declare the grounds on which his vote would not rest. It did not follow, as the right hon. gentleman seemed to suppose, that those who supported the present motion approved of the conduct of Mr. Hunt. He, for one, did not approve of his conduct; but he would support the motion on general principles, and not with reference to the course which Mr. Hunt had pursued. When the right hon. gentleman asked, "Who is Mr. Hunt?" he would answer "He is an Englishman!" He knew Mr. Hunt only in that capacity. On his behalf he made no claim of favour; but he demanded whether he had, or had not, a claim of justice on that House? He should despise himself if, on account of any displeasure he might feel at Mr. Hunt's conduct, he could be induced to abstain from defending those rights of justice which were as sacred in the person of Mr. Hunt as in that of any other Englishman. He did not underrate the charge brought against Mr. Hunt: he did not arraign the verdict, nor dispute the justice of the judgment. He did not take these points into consideration, because they were foreign to the question before the House. He was not ignorant of that painful part of the duty of a judge—the exercise of a discretionary power, and the infliction of a discretionary punishment. No doubt, the grave and learned persons who apportioned the punishment in this instance were satisfied in their minds it was just. But, when he made this remark, he felt himself bound to add, that if he saw any thing which appeared to him to be wrong, he would not shrink from discussing and examining the conduct of any judge. One of the most important duties of a member of that House, was that of arraigning the proceedings of a judge, if they appeared to be improper; and he could not help thinking that it was unwise and undignified on the part of judges, or of their advocates in that House, or elsewhere, to deprecate a fair discussion of their conduct. What had been the conduct of judges before that House investigated their proceedings —before the press noticed their actions—before the public scanned their decisions? They were, like judges in all despotic governments, venal, corrupt, and arbitrary. Such were the judges of the infamous star-chamber. Before the period when a free and fair examination of the conduct of the judges became common, they were wicked or contemptible: since that period, they had acquired a reputation, which rendered them the pride of their own country, and the admiration of the world. Nothing was so calculated to exalt their character, as the bold and manly examination of their conduct. He was not called on now to contest their judgment; but, though he had a reverence for judges, it was not a blind one; and if he thought it necessary to arraign their conduct, he would do so without hesitation. Neither was it his intention to make any attack on the magistrates of Somersetshire, farther than to say, that their negligence allowed an alteration to be made in this prison, by which the punishment awarded by the sentence of the court was aggravated. As to his hon. friend below him, though he attempted to defend his brother magistrates, he had pronounced on them a very severe censure, when he stated his own liberal opinions, from which it appeared they had dissented. Now, the ground on which he supported this motion was, that Mr. Hunt had already suffered more than the court sentenced him to, or could have wished him to suffer. He did not found

this opinion on any statements contained in the petitions which had been laid on the table—petitions distinguished by foolish language and questionable facts: neither did he adopt it in consequence of the declarations of Mr. Hunt; but he was induced to form his opinion on the report of the commissioners, which had been very cautiously kept out of view during the discussion. The right hon. gentleman had observed, that no precedent could be found, since the Revolution, for addressing the Crown as to the exercise of this prerogative. The contrary was the fact. There was an abundance of precedents both before and since the Revolution; but there was not an instance in which the precedent was so strongly called for, or where it was so likely to furnish a useful example to future times, as in this case. Surely the right hon. gentleman must recollect the case of sir Harry Vane, in the time of Charles 2nd. It was a very remarkable case. On an address from parliament, the king promised not to prosecute that individual; but he afterwards broke his promise, and sir H. Vane was convicted. In 1697, a most remarkable precedent occurred—a precedent much stronger than any address to the Crown for the pardon of an offender. In January, 1697, an address was presented to the king, requesting him to stop the pardon of Thomas White. He would ask the House whether this was not a much greater intrusion on the feelings of the sovereign, than any address for mercy could possibly be? The House sent on that occasion a commission to Newgate to examine evidence and to report their opinion. This, be it observed, was nine years after the Revolution. This commission made a report on the subject of the inquiry intrusted to it, and upon that report the House resolved, that it would interfere no further, but leave the case to the pleasure of the Crown. Here was an interference of the House, not calling for the exercise of the prerogative of mercy residing in the Crown, but against it—not requiring a secretary of state to represent to his master, that as sufficient punishment had been endured, the royal clemency might be extended to the offender; but to check in the sovereign the exercise of those feelings which he might esteem it his greatest privilege to indulge. Yet, notwithstanding the nature of the case, the House decided, that it would interfere, and king William and the secretary of state of that day deferred to its judgment. The minister of king William did not, on that occasion, use language like that which had been heard that night. He did not declare, that he would resign sooner than convey to his majesty the wishes and views of his faithful Commons. He did not assure parliament that whatever resolution it might pass, it would never induce him to second it by a favourable representation. There was no such secretary of state in that day. On the contrary, the greatest deference was shown to the opinion of the House, and no threats of resignation were uttered. Threats of resignation had been more frequently made than faithfully observed. Had the right hon. gentleman ever heard of another case in which the House had interfered in favour of the exercise of the royal clemency? Had he never heard of the proceeding with respect to the rebel lords in 1716? Sir Richard Steele presented a petition to the House in that year, and made a motion in favour of those lords, which was opposed by sir Robert Walpole, the then minister. Be it remembered, that the case was of infinitely greater importance than the present; it concerned men of high rank and station—men who had committed high treason—who had been found in arms against the government of the country, and immediately after a rebellion which threatened the overthrow of the throne. Sir R. Walpole, therefore, would have been justified in using strong language on the occasion; and if he had pursued the course followed by the right hon. gentleman, he ought to have risen and declared, "Whatever vote the House may come to, I shall never advise his majesty to remit the punishment of these lords: if the motion is carried, I shall resign my office under the Crown, than advise his majesty to comply with it; or I will incur the penalties of an impeachment, by openly advising the Crown to hold it in contempt." Such was the language of the right hon. gentleman; but sir R. Walpole did not take so high a ground, nor threaten the nation with a loss like that which the House had heard threatened that night. The question before the House was extremely simple and limited: it was merely whether the punishment which Mr. Hunt had endured was not greater than that which was intended to be inflicted; and whether, in consideration of

that excess of unintended severity, it was not incumbent on the House to address the Crown to remit the remainder. He would omit altogether any reference to the character of the offender. On considering the circumstances on which the present application was founded, it would appear that there never was a case in which the interference of the House would be less liable to be regarded as an encroachment on the prerogative of the Crown. It involved no question as to the degree of punishment proper for his offence, or as to the justice of the judgment pronounced upon him. It was simply whether more had not been suffered than was intended; and this could not be a question of frequent occurrence, or one that could excite any alarm as to its being drawn into a precedent. In consequence of certain statements made in that House, and certain proceedings consequent upon them, an inquiry was instituted into the state of Ilchester gaol; and on the recommendation of the House, a royal commission was sent down to conduct it. These commissioners had made a report, which contained discoveries of abuses existing in the management of that gaol. This investigation was set on foot by the House; these discoveries were made by a Crown commission, appointed on the recommendation of the House, and the House was now called upon to follow up a proceeding which originated with itself. Such was the history of the measure which now remained to be matured. The right hon. gentleman had said, that although abuses existed, Mr. Hunt, who complained, did not suffer by them. Take the evidence as stated in the report of the commissioners. If a person suffered from the cruelty of the gaoler, like that unfortunate woman, Mary Cuer, (than whose case nothing more horrible could be imagined), could such treatment be indifferent, or rather was it not most material to the situation of Mr. Hunt? Who, placed as Mr. Hunt was, could feel security, or be free from alarm, in such a prison? Was it nothing to be under a cruel gaoler, who inflicted torture on his prisoners, and who might extend a similar treatment to himself? What apprehension, what fear, must not the cruelties, the dark malignity, and ungoverned passions of this man, not have excited in the breast of all the persons who felt themselves under his power! It had been stated, that the prisoners at one time were not liable to such treatment; but what said the commissioners? That the whole system was one of cruelty and irritation. The right hon. gentleman had here ventured upon the only argument which he had employed against the motion, in saying that if the House interfered to mitigate the sentence of Mr. Hunt, it ought likewise to interfere in favour of the other prisoners who had been the victims of the gaoler's tyranny, and even in favour of the debtors. How he supposed that the Crown could be called upon to remit their imprisonment to the latter, he did not understand; but with regard to the former, he would show the difference between their case and that of Mr. Hunt. The judges chose Ilchester gaol as the place of his imprisonment; but the other prisoners were in it as belonging to the county. And, why did the judges make such a selection? Because the place was considered a model of good management, and one of the best regulated prisons in England. They had made the choice with these views and under these impressions, which they derived from popular report, and had seen confirmed in a publication of the hon. member for Weymouth (Mr. Buxton), who had laudably devoted a great deal of attention to the state of prisons. This supposed well-regulated prison had turned out to be a scene of disorder and mismanagement: the gaoler, who was previously thought humane and merciful, was found to be a monster of cruelty. Instead of a medical attendant who was imagined skilful and attentive, they met with a man ignorant, obstinate, and capricious, who employed those remedial applications that belonged to his art, as the means of torture and punishment. The situation of the gaol, instead of being dry and salubrious, was humid and unhealthy. In short, this prison, instead of bearing any resemblance to the representations made of it, exhibited an absolute contrast thereto. The court was deceived. The judges could not correct their mistake; and therefore it was incumbent on the House, who had made the inquiries which terminated in this discovery, to address the Crown to do an act of bare justice, in remitting a punishment not originally contemplated. The House ought to complete its own work: it ought not to have addressed the Crown for a commission, which had gone through the farce of reporting, unless it was prepared to act

upon that report. No apprehension need be entertained that the present case would often occur, or that the interference of the House would encourage many similar applications. The hon. under-secretary had denied the severity of Mr. Hunt's punishment, and had quoted a letter from Ilchester gaol written in the first months of his confinement, in which he praised the gaoler, and expressed his comfort in his new situation. This letter was written in July: it was probably a flourish, intended to show his friends how much he despised the efforts of his enemies, and with what stoicism he could bear his misfortunes. But, even though true and sincere, what did it prove? Why, that from May to July he had not begun to suffer what he afterwards endured. He (sir J. M.) was not called on to support the veracity of Mr. Hunt, and he would only beg the right hon. gentleman to believe him when he was confirmed by other evidence. The court of King's-bench refused to receive the affidavit of Bridle, when his character came to be known. The magistrates, as well as Mr. Hunt, had been at first deceived and gulled by this man. From the evidence before the commissioners, it was clear that Mr. Hunt had suffered more than was contemplated by the judges. He would warn the House against allowing the obnoxious name of an individual (and he was sensible how obnoxious was the name of Mr. Hunt) to be a palliative of any injustice. He was sure the House was too just and generous to adopt the maxim, that any illegal severity could be practised upon any individual because he was odious, which they would not countenance towards another of more estimable qualities. The injustice established in one case was soon imitated. Tyrants were too quick-sighted to begin with the mild, the gentle, and the amiable. It was among the obnoxious few that the rights of all were first attacked. He, therefore, called upon the House, on all these considerations to support the motion.

Mr. *Wynn* said, that in the case of White the House reversed its own decision, and therefore the precedent did not apply. In the case of the rebel lords, the House of Peers, who had tried them, interfered as a jury to recommend them to mercy, and the House of Commons, who carried up the impeachment, interfered as prosecutors in the same application. This, therefore, was not a similar case. It had been said, that the offence of which Mr. Hunt had been convicted was not a very grave one; but, in his opinion, it was an offence bordering as nearly as possible, upon high treason. It had not been shown that Mr. Hunt, during his confinement, had suffered any hardships which were not also shared by the other prisoners: in fact, he believed Mr. Hunt had less cause of complaint than any other person in the gaol. The circumstance which Mr. Hunt appeared to consider the greatest hardship to which he had been subjected was his seclusion from the society of a person who did not form part of his family. This person was a female with whom he was connected. There was no reason why Mr. Hunt should, in this respect, be allowed greater indulgence than the other prisoners. Was he to be permitted exclusively to practise immoral conduct? If Mr. Hunt had been allowed the society of that female, the magistrates could not, in common fairness, have refused to any other prisoner the privilege of receiving any prostitute with whom he might be acquainted. He concluded by reading a passage from one of the numbers of Mr. Hunt's Memoirs, in which that individual stated that he had heard sir F. Burdett intended to move for the remission of the remainder of his sentence, on the ground that he had already suffered more than the judges intended. This last idea Mr. Hunt thought was all a hoax. "Would any man" (said Mr. Hunt), "lay his hand on his heart, and say, that he had suffered more than judge Best and two other judges of the King's-bench had intended? Had he suffered more than Best intended he should? He believed that Best would have had him tortured if he could."

Mr. *Fowell Buxton* said, that having on a former occasion fully stated his opinion with respect to Mr. Hunt's sentence and treatment whilst in confinement, he would not that night have said one word, had it not been for the pointed allusion which his hon. and learned friend had made to him. His hon. and learned friend had referred to him as a kind of witness to the good conduct of Bridle. He begged the House to understand that at the time he (Mr. Buxton) visited the prison, and made a favourable report of its management, none of the evils which had since been proved to exist prevailed. He would say a few words with respect to the question before the House. He dis-

missed from his mind all consideration of the former conduct of Mr. Hunt; he looked upon him only as a man under sentence. Both the term and nature of his sentence were defined; and it was known that the judges who delivered the sentence believed the prison to be wholesome and well disciplined. Now, it had been proved by the report of the commissioners, and by the result of the coroner's inquest on a prisoner named Bryant, that the gaol was in a damp and unwholesome state. If, therefore, Mr. Hunt remained in that prison, the whole period which the law had awarded for his confinement, he would suffer more than the judges intended—he would suffer injustice.

Mr. *Estcourt* adverted to some arrangements which had been made in the prison, all of which tended to afford additional convenience to the prisoners. Mr. Hunt had appealed to him, as one of the commissioners, to bear testimony to his conduct, and he must, in justice to that individual, now say that he had seen nothing improper in it; but, on the contrary, that there was direct evidence of its being perfectly correct.

Sir *F. Burdett* said, that never, on any occasion, did he feel less strongly the necessity of replying; for nothing in the shape of argument had been offered in opposition to his motion. The vague and general declamation in which the right hon. secretary had indulged, he could look upon only as a kind of vapour which not unfrequently arose from that side of the House. The right hon. secretary had not condescended to support his declamation against the general conduct of Mr. Hunt by any proofs. Every person must feel how vague and indefinite a charge it was to say, that a man had an intention to subvert the principles of the constitution. Ministers would think every man liable to this charge who might attend a public meeting to endeavour to obtain redress for public grievances. The right hon. secretary had entirely overlooked all the hardships which Mr. Hunt had suffered. Another hon. gentleman had said, however, that some of those grievances had been redressed. But, what inference should be drawn from this circumstance? That Mr. Hunt ought to remain in prison? No; but that he had suffered inconveniences which he ought not to have suffered, during a great part of the term of his confinement, and should therefore receive atonement for the injury. If any measures of relief had been adopted with respect to Mr. Hunt, that was a proof that he had formerly been improperly treated. If that which was now done was right, that which before existed was wrong. He was sorry that some observations had been made on the subject of the intercourse which was said to have been carried on between Mr. Hunt and Mrs. Vince. He could see no necessity for alluding to that lady. When it was considered that two convicts employed in the governor's house had proved with child, and that the moral magistrates who superintended the gaol, were in the habit of putting boys to sleep in cells with men who had been guilty of unnatural crimes, it did appear a little extraordinary, that the purity of the gaol could not endure the contamination of Mrs. Vince. Mr. Hunt's private affairs were a subject with which he was disinclined to interfere. Misfortunes might happen to all men. Mr. Hunt, it appeared, had been separated from his wife at an early period of his life; perhaps this might be considered a misfortune; and he had lived with Mrs. Vince for 18 years. He would wish to know, then, since Mr. Hunt had not been sent to prison to reform his morals, or to be interdicted from intercourse with any person, why he should be deprived of the society of that lady? He contended, that there was more immorality and scandal in unnecessarily dragging the circumstance before the public, than in allowing it to pass unnoticed. It had been said, that the motion before the House interfered with the prerogatives of the Crown. No man was more desirous of upholding the just prerogatives of the Crown than he was; he would do nothing tending to infringe them, and no such effect would result from his motion. But those who now opposed his motion on the ground that it was inimical to the kingly prerogatives, upon other occasions surmounted their scruples on that point. In the case of sir M. Lopez, who was convicted of an offence deeply affecting the honour and dignity of parliament, the House had made a representation in the proper quarter in favour of that individual, the result of which was the remission of the half of his sentence. Could it be improper for the House to interfere in behalf of Mr. Hunt, when it had exerted itself in favour of sir M. Lopez, notwithstanding the atrocious attack on the purity of election made by that unfortunate old gentleman?

He would not detain the House by any further observations from coming to a decision on the question, but would conclude with stating, that he remained of opinion, that the three grounds upon which he rested his motion, had not in the least degree been shaken.

The House then divided: Ayes 84. Noes 223. Majority against the motion, 139.

List of the Minority.

Barrett, S. M.	Macdonald, J.
Benyon, B.	Mackintosh, sir J.
Bernal, R.	Martin, J.
Birch, Jos.	Maule, hon. W.
Brougham, H.	Milbank, M.
Bright, H.	Monck, J. B.
Bury, visc.	Moore, Peter
Buxton, T. F.	Marjoribanks, S.
Calvert, C.	Normanby, visct.
Chaloner, R.	Newman, R. W.
Concannon, Lucius	Newport, rt. hon. sir J.
Crompton, S.	Nugent, lord
Crespigny, sir W. De	O'Callaghan, J.
Davies, T. H.	Ossulston, lord
Denman, T.	Palmer, C. F.
Duncannon, visct.	Power, R.
Dundas, hon. T.	Pryse, P.
Ebrington, viscount	Rickford, W.
Ellice, E.	Ramsay, sir A.
Farquharson, A.	Ricardo, D.
Fergusson, sir R.	Robarts, A. W.
Folkestone, visct.	Robarts, D. G.
Farrand, R.	Robinson, sir G.
Grattan, J.	Rice, T. S.
Graham, S.	Smith, W.
Grant, J. P.	Sefton, earl of
Griffith, J. W.	Scott, J.
Guise, sir W.	Stanley, lord
Gurney, R.	Stewart, W.
Grosset, J. R.	Stuart, lord J.
Gaskell, B.	Sykes, D.
Heron, sir R.	Tavistock, marquis of
Hobhouse, J. C.	Titchfield, marquis of
Hornby, E.	Webb, Ed.
Hume, J.	Western, C. C.
James, W.	Whitbread, W. H.
Johnson, col.	Whitbread, S. C.
Jervoise, G. P.	Wilson, sir R.
Lamb, hon. G.	Wood, alderman
Lambton, J. G.	Wyvill, M.
Lennard, W.	Williams, sir R.
Lloyd, sir, E.	TELLERS.
Lushington, Dr.	Burdett, sir F.
Leycester, R.	Bennet, hon. H. G.

HOUSE OF COMMONS.

Thursday, April 25.

PETITIONS FOR A REFORM OF PARLIAMENT.] Mr. *Pelham* rose to present a petition from the county of Lincoln, for a reform in the representation. A noble lord had given notice of a motion on that subject, who was looked up to, from all parts of the country, as a friend of constitutional liberty. He would not pledge himself to support the noble lord's motion but he thought the subject entitled to every degree of attention.

Sir *R. Heron* said, that the meeting was most numerously and respectably attended. The population of Lincolnshire was almost exclusively agricultural. Formerly, contented with their lot, they were little inclined to interfere in political questions, but now, seeing around them the most severe and menacing distress—finding that the legislature was either unable or unwilling to look the state of the country manfully in the face, and administer those remedies by which alone their distresses could be mitigated they were convinced, that no relief was to be expected but from substantial and effective reform.

Lord *Ebrington* presented a petition from Crediton in Devonshire, praying for an effectual and complete reform of parliament. It had been unanimously agreed to at a numerous meeting of the inhabitants regularly convened by the portreeve. This was the twelfth petition on this subject which he had presented from Devon, in the course of the present session and among the petitioners were a large portion of the most respectable gentry, clergy, and yeomanry, of that county. Many more would have petitioned but that feelings now existed, very generally, throughout the country, which discouraged the people from doing so. From the manner in which their petitions were treated they were becoming daily more and more convinced that it was utterly useless to petition that House. Although he was not surprised at this, it was to him matter of the greatest regret; and he could not but express his hope, that the people of England from one end of the kingdom to the other, would persevere in public meetings, and in using every means which the law allowed them for the declaration of their opinions on the great and vital question of parliamentary reform. He hoped, too, that the conviction which was so universally prevalent among all ranks of persons out of doors, as to the necessity of correcting the present state of the representation, would, ere long, be enforced even upon the House of Commons itself.

The Marquis of *Tavistock* presented a petition from the county of Bedford, agreed to at a numerous and respectable

public meeting praying for parliamentary reform. He admitted, that it was fruitless to petition the House on such a subject; and he knew that the petitioners were well convinced of this. They had seen every application for a reduction of expenditure resisted by the minister, backed by the overwhelming majorities of that House. They knew well that ministers would meet their statement with perfect indifference. Still they considered it due to themselves and their suffering fellow citizens once more to approach that House with their complaints. They would probably hear from the ministers of the Crown, and particularly from a right hon. gentleman (Mr. Canning), that parliamentary reform was a question merely taken up in the emergency of distress, and that its propriety was not felt, by what they considered the well-disposed part of the community. If by the well-disposed part of the community was meant a large proportion of the landed interest, borough proprietors, magistrates, and clergymen, he was bound in truth and candour to admit that they were unfortunately correct. But if they comprehended within their view of the well-disposed part of the community, the great body of the Commons of England, the industrious and intelligent and moral middle class of society, the men who lived not on the taxes, and who speculated not on the patronage of the ministers; then he denied the correctness of the assertion, convinced as he was, that there existed, from one end of the kingdom to the other, in that great body, a want of confidence in that House, and a firm conviction of the necessity of a parliamentary reform.

The petitions were ordered to lie on the table, and to be printed.

Reform of Parliament.] Lord *John Russell* rose and addressed the House as follows*:

Mr. Speaker; I rise for the purpose of moving a resolution, "that the present state of the representation of the people in parliament requires the most serious consideration of this House." Should I be so fortunate as to succeed in this motion, I shall then move for leave to bring in a bill for the more effectual representation of the people in parliament. In bringing this subject before the notice of parliament, I naturally feel considerable anxiety: not anxiety lest I should fail to impress upon the House the importance of a question affecting the formation of the governing body of this mighty empire—a question which, if carried, involves, as some think, the ruin, but as others, and, according to me, a majority of the people believe, the salvation of the country—but anxiety and apprehension lest the weakness of the person, who presumes to bring forward the motion, should be thought unequal to a discussion of such magnitude. It will be an additional weight upon me, in urging arguments which I think are in their nature irresistible, to consider how often those arguments have been enforced by men of the highest talents; men entitled to the veneration of the House and of the country.

On the other hand, if I may venture to speak of myself, I feel some encouragement to proceed, in the recollection, that I have served an apprenticeship, so to term it, in the cause of reform; that I have thus had occasion to consider the subject in its various forms and bearings; and that, in bringing forward a part of the question of reform more than two years ago, although I never for one instant allowed it to be imagined, that the small alteration I then proposed contained my utmost wishes, I yet professed myself inclined rather to support the reforms of others than to originate any general proposition myself. I therefore claim some credit for deliberation when I say, that a careful investigation of the subject induces me to lay before the House the reasons and the principles upon which, in my mind, a more extensive reform may be safely founded.—I am likewise encouraged by the propitious fitness of the present time for entertaining such a motion. The question has been so often met and turned aside by fears of jacobinism in foreign nations, or of tumults at home, that I feel it a great advantage to be able to say, that our present state of external peace and internal tranquillity affords opportunity for ample and undisturbed discussion.

There is another circumstance which ought to weigh in favour of the motion I am about to make; I mean the number of petitions for reform of parliament, which have been pouring into this House since the beginning of the session. This fact shows the value which the people at large attach to this question, and the eagerness with which they look forward to its success. Petitions have this year

* From the original edition printed for Ridgway.

been presented to the House from the counties of Middlesex, Devon, Norfolk, Suffolk, Bedford, Cambridge, Surrey, and Cornwall, all praying for reform in parliament. In the county of Huntingdon a petition to the same effect has been voted. Petitions have also been presented in great numbers from separate towns for the same object; and the petitions, which have been presented for the liberation of Mr. Hunt, nearly all contain a petition for reform: thus showing, that the vast number of persons, who embraced opinions in favour of this measure some years ago, maintain their wishes unchanged, and their judgment unshaken.

Whilst this anxiety in the country for reform in general encourages me in the task I have undertaken, I feel it to be a circumstance no less propitious, that the petitioners do not ask exclusively for any one plan of reformation. It may be remembered, that a few years ago all the petitions prayed for universal suffrage; but at a meeting, in the present year, of the county of Middlesex, a meeting which might be supposed to bring together all classes of reformers, when a venerable advocate of the cause of reform proposed a petition for universal suffrage, he could find no one to second him. That single circumstance shows the disposition of the people to ask for reform as a cure for abuses existing, and not as a fanciful, untried measure, of which in their own minds they have some vague conception: it shows their inclination to accept from this House any reasonable system of amendment, subject to such an interval of deliberation as the importance of the subject may appear to demand.

Under these impressions, I come to consider what it is that the petitioners ask. I think I am borne out in saying, that what they ask is nothing new; no innovation upon the constitution; no change in the existing laws; they simply pray, that the functions of granting supplies of money, of appealing for the redress of grievances, of giving advice to the Crown, in short, all the legal functions of a House of Commons, should be exercised by the true representatives of the people. This is the language of the petitions, and it is the undoubted language of the constitution. The question to be tried, therefore, is, not whether in law the House ought to be the representatives of the people, but whether in truth they now are so. It is a simple question of fact, which the House is called upon to decide. Considering, therefore, that as to the constitutional right of the people to representation no doubt or question can exist, I shall not consume the time of the House in discussing all the wild theories which have been framed upon that subject. Among others, I shall entirely neglect the theory, that the House of Commons ought to represent, not the people alone, but the Crown and the House of Lords, as well as the people. Surely nothing can be more dangerous than the admission of such a theory. Nothing can be more absurd than to think, that the balance of the Constitution, instead of existing in King, Lords, and Commons, should be found in the House of Commons alone: for how, if such a system could be allowed to prevail, would the country ever be sure that the balance was adjusted? How could the people have any security, that the Crown and the House of Lords had not a majority, and that the true representatives of the people were not, by comparison, few in the assembly which professes to be sent by them alone? Where then would be their guarantee, that their wishes and their interests might not be entirely neglected in a house called the House of Commons, instituted for the purpose of gathering their wishes, and protecting their privileges? Throwing this theory aside, therefore, I shall consider this House as the House of Commons only, and its members, not as delegates of the various branches of the Constitution, but as forming one branch only.—In rejecting theories, I shall likewise lay out of consideration all those plans which require an entire re-construction of the House of Commons: not that I do not think such plans extremely proper to be discussed, but that I imagine the benefits I seek may be obtained by a smaller change; and I think every reformer must agree with me, that if it could be proved we should obtain the advantages we desire by a lesser change it would be unwise to attempt a greater.

Throwing aside, then, such theories entirely, I come to the question of fact which I have suggested to the House; and it becomes necessary, in order to our right decision, to take into consideration on the one hand, the state of the House, and, on the other, the condition of the people. If I can show, that the condition of the people has materially changed, and that the change in the state

of the House has not been agreeable to that change in the state of the people, but of a very different and opposite tendency, I trust it will be allowed, that the House and the people have no longer that accordance which they ought to have, and that some remedy is required; but if I farther show, that this discrepancy has made itself evident by acts which the House has done, and which the representatives of the people never could have sanctioned; then it must be admitted, not only that there are abuses to be reformed, but that duty, and love of their country command the House immediately to begin the work.

Without entering into detail farther than is absolutely necessary, it cannot be denied, that the people of England have undergone a considerable change during the last forty years. The wealth of the country during that period has very considerably increased. The fact, which was mentioned early in the session by my hon. friend, the member for Winchelsea, that our expenditure during the last two years of war was 270,000,000*l.*—while it showed the immense expenditure of government, showed also the very great wealth and resources of the people. That wealth and those resources, widely diffused, have had a tendency to increase the importance of the middle classes of society; classes that stand in a peculiarly fortunate situation, equally removed from poverty, which is too often the parent of crime, and from idleness, which is proverbially the mother of vice. Free alike from the temptations created by want, and from those suggested by indolence, they find, in decent competency and useful occupation, the guardians of their morality. Politically speaking, they are intimately connected with the classes above and below them; and are, therefore, not liable to partake either of that disregard of the poor, which sometimes disgraces the rich, or that hostility to the rich, which unfortunately is apt to find its way among the poor. Thus forming themselves the best class of the community, and at the same time zealous for the welfare of the others, they constitute one of the most solid pillars of the state; and I know not that I could select a better sign of the future prosperity of a country, than the wealth, comfort, and intelligence of its middle orders.

Another cause of the improvement of the country is the great increase which has occurred of late years in our manufactures. From the year 1785 to 1792, the average amount of our exports of British manufactures was about 13,000,000*l.* a year. From 1792 to 1799 it was 17,000,000*l.*; but the exports of the year 1821, are stated to amount to 40,000,000*l.* When to this is added the still larger consumption of our manufactures at home, and when it is considered, that out of these 40,000,000*l.* our export of cotton goods amounted to 23,000,000*l.*, our woollens and linens to 7,000,000*l.*, it must be inferred, that a very large proportion of the inhabitants of the country subsist by those manufactures. I will not now dwell upon this new phenomenon in the state of the country, but for the present confine myself to a statement of the fact.

With this immense increase in manufactures and commerce, the dissemination of instruction, and the improvement in knowledge, have advanced even in more than equal proportion. Indeed, this is a circumstance which must strike the most careless observer; from the vast increase of books, and the very high prices which are paid for the exercise of literary talents. From the immense distribution of works of every description throughout the country, one would infer, that, as the opportunities of information are thus increased, the education of the lower classes must be enlarged in the same proportion. Being curious to gain some information on this subject, I some time ago applied to an eminent bookseller's house in the city, from which I learned a number of interesting facts. I will state to the House one, which will of itself be sufficient to prove the astonishing extent to which books are circulated throughout the country. From the firm to which I applied, I learned, that their own sale amounted to five millions of volumes in the year; that they employed sixty clerks, paid a sum of 5,500*l.* in advertisements, and gave constant employment to not fewer than 250 printers and bookbinders. Another great source of information to the country is the increase of circulating libraries. In the year 1770, there were only four circulating libraries in the metropolis; there are at present one hundred, and about nine hundred more scattered throughout the country. Besides these, there are from 1,500 to 2,000 book-clubs, distributing throughout the kingdom large masses of information on

history, voyages, and every species of science by which the sum of human knowledge can be increased, or the human mind improved. Here I may also remark on the increase of periodical works. Of these there are two (the Edinburgh and the Quarterly Reviews), many articles in which are written with an ability equal to some of the best original writings of former times, and having a greater circulation than all the periodical works of thirty years ago put together. Besides these there are five periodical works of science only, all in great demand. And here, to show that the demand for such works is not confined to the vicinity of the universities alone, I will mention, that a friend of mine, travelling through Inverness, was enabled to procure, at a small shop, a journal of science and a number of the Encyclopedia, but afterwards, when in passsing through Oxford he applied for the same books, he was told that they were not to be had unless previously ordered.

While so many and such fruitful sources of information are thus opened to the higher orders, the means of improving the minds of the poorer class have advanced at a pace not less rapid or less steady. First came the establishment about twenty-five years ago of the Lancasterian schools, which have distributed so widely the blessings of early instruction; and after these followed the no less beneficial system of national schools, which afford to the poor of every class education suitable to their state and condition in life. In addition to those means of improvement, another has been opened, not less advantageous to the poor—I allude to the great facilities which at present exist, of getting the most valuable works at a rate so very cheap as to bring them within the compass of all. Some time ago an establishment was commenced by a number of individuals, with a capital of not less than 1,000,000*l.*, for the purpose of printing standard works at a cheap rate. By that establishment the history of Hume, the works of Buffon, the Encyclopedia, and other valuable productions, were sold in small numbers at sixpence each, and by this means sources of the highest and most useful instruction were placed within the poor-man's reach. I regret much to add, that this valuable establishment was very much checked in its operation, by the effect of one of those acts for the suppression of knowledge which were passed in the year 1819. I regret this the more, as one of the rules of that establishment has been, not to allow the venders of their works to sell any book on the political controversies of the day.

In noticing the means which have contributed so much to the mental improvement of the great body of the people, I ought not to omit noticing the very good effects which have resulted from the exertions of the Bible Society, the Religious Tract Society, the Society for the dissemination of Christian Knowledge, and other valuable associations of similar character. Since the commencement of the Bible Society, it has applied the immense sum of 900,000*l.* to the laudable purpose of disseminating the knowledge of the scriptures. From the Religious Tract Society not fewer than five millions of tracts are distributed annually, and the Society for Christian Knowledge distributes one million. These facts will show the rapid strides which have been made by the public in the improvement of general knowledge.

I will now come to the state of political knowledge in the country. This has been greatly augmented by the extraordinary increase in the circulation of newspapers. Some time ago I moved for a return of the number and circulation of the several newspapers printed in London and in the country. That return has not been made in the manner in which I had intended; but from the account I was enabled to procure, it appears, that there were not less than 23,600,000 newspapers sold in the country in the last year. Of these the daily London papers sold above 11,000,000, the country papers above 7,000,000, and the weekly papers above 2,000,000. From another source I have been enabled to procure more particular information as to the increase in the number of papers within the last thirty or forty years, the substance of which I will read to the House.

	In the year 1782.	In the year 1790.	In the year 1821.
In England	50	60	135
In Scotland	8	27	31
In Ireland	3	27	56
London daily	9	14	16
Twice a week	9	7	8
Weekly	0	11	32
British Islands	0	0	6
	79	146	284

making in the whole the increase in the

number since 1790, from 146 to 284, which is very nearly double in the space of thirty years.

Having made these statements, from which the House will judge of the vast increase of the wealth and importance of the country, and of the rapid strides it has made in moral and political knowledge, I will now come to the other part of the inquiry; namely, whether the state of parliament is also changed, so as to represent this increased importance of the middling, the manufacturing, and the commercial classes. In proposing this inquiry, I will state broadly, that not only is the House bound to consider whether parliament represents this increased importance, but also whether the government generally keeps up with the increase in strength and knowledge of the people; for I will assert, that no government can be stable, which does not keep pace with the increasing improvement of the people over whom it presides; and that any government, which fails to make such advances, must soon come to final ruin. I take these to be positions so trite, and even so self-evident, that I should not have thought it worth while to recal them to the attention of the House, had not another and a very different theory recently found its way within their walls. I allude to what has fallen from the most liberal member of his majesty's cabinet, one who I believe really takes an interest in the progress of liberty. That right honourable member has urged the increased information of the people as a defence of the existence of certain offices, which could be defended on no other ground. Now to assert, that in proportion as the people asked for more economy there should be more waste—in proportion as they became more honest there should be more corruption—in proportion as they became more enlightened they should have a government less able to bear investigation, are propositions so monstrous and absurd, as must in their very nature tend to the destruction of any government they are meant to support. And yet such is in fact the meaning of the defence which has been set up in this House, that an useless office should be continued because the intelligence of the people had increased. If such propositions are followed up, they will have the certain effect of rendering the government odious in the eyes of the people—of making them doubt the value of a monarchy, and even indifferent to the destruction of our constitutional form altogether.

But to come to the question—the present state of the parliament of the country, and the relation it bears to the improved condition of the people. In looking at this part of the question I was struck with the remark made by Mr. Justice Blackstone, who, in referring to the defects of the representation, says, that yet there was hardly a free agent in the country who had not a vote for a member of parliament in some place or another. Now, it is not to be supposed, that that able commentator on our laws would have gravely made a statement which was at variance with the fact, and, therefore, his assertion must have had some foundation at the time at which he wrote: but let the present state of the representation be compared with the statement, and what a difference will be seen? We have now not only one free agent, but there are in the country at least one million of free agents—men perfectly free and independent, who have no vote for a member of parliament, though anxious to acquire the right, and in every way qualified to exercise the functions of electors. On a former occasion, when this subject was before the House, it was stated, and not denied, that a majority of the members of this House are returned by a body of electors not fully 8,000 in number—a fact utterly at variance with the increase which has taken place in the numbers, the wealth, knowledge, and consequent importance of the people of the country. But if we look a little farther, and go a little more into detail on the subject, we shall find, that while the people go on rapidly improving, the basis of this House is gradually becoming more narrow; and instead of embracing the whole of the community as the source of their representative character, is dwindling into a sort of self-elected corporation, depending on a very small portion of that community. In making this remark, I do not mean to say it is applicable generally to the members of this House, but it is applicable to a majority, able to influence the decision of every vote of the whole.

First, with respect to the county members. I have already observed, that a great increase has taken place in the middling orders—in the commercial and manufacturing classes; but there is no commensurate increase in the number of

county members. Out of 513 members (for England), there are only 92 who represent counties; and, even with respect to that number, the full and free expression of the opinions of those who have a right to vote is impeded by a variety of circumstances. Among these I will notice the enormous expenses attendant upon contested elections for counties. I will instance the county of Devon, where some freeholders have to come forty miles at each side of Exeter to give their votes. The consequence of this is, that, as few fortunes can bear the immense charges of a warmly-contested struggle, there is usually a compromise, and one member is returned by each party, though the numbers of one party may be five or six to one compared with the other. Another circumstance, injurious to the state of the representation, is caused by the great number of landed proprietors, whom Mr. Pitt so improvidently raised to the dignity of the peerage. The result was, that those of the landed gentry who remained in the representation of the Commons did not form a body sufficiently strong in name and property to resist the votes of those who were swayed by private interests. For my own part, I am of opinion, that if only the great landed proprietors were members of this House, even if they held their situation as such for life, they would, provided their proceedings were constantly exposed to the criticism of public opinion, be found a more valuable safeguard for the liberties of the people than the House as it is at present constituted. I will even venture to assert, that if the House of Commons were abolished altogether, and the public business transacted by the House of Lords, it would soon become more popular, and obtain more of the reverence of the people, than ever will be given to the House of Commons in its present state. My opinions on this subject are founded on the principle, that those who hold a great stake of property in the country will never consent to any measure of importance against the declared sense of the public, or which can irritate the people to resistance. I am convinced of the truth of this remark, when I recollect what occurred in the case of the Queen, when the Lords showed a deference to the well known feelings of the people more evident than any instance I can recollect in the House of Commons.

I next would call the attention of the House to the representation of the large towns. In some of these there is a full and free exercise of the opinions of the electors; and in those instances they return men of independence to parliament: but in very many others the elections are so managed, and the rights of the voters so abridged, either by votes of this House, or by usurpation of small corporate juntas, that by degrees the number of voters is diminished, while the influence of many of those who remain is absorbed by the intrigue of corporate bodies. I will mention as an instance Plymouth, which in the reign of Charles 2nd, had 7,000 inhabitants, of whom 300 had votes for its members. The population has since increased to 60,000, while the number of electors is reduced to 200. I might instance other places, such as Bath and Cambridge, where the elections are managed by a small number of persons, sometimes not even resident in the towns, but who still contrive to direct the elections as they please.

I now come to notice the small towns or boroughs which return members to parliament. Of these there are 140, containing less than 5000 inhabitants each. (In all my calculations I only include England.) By these 140 boroughs, 280 members are returned to parliament, making a clear majority of the House in the sense to which I have just alluded. Of those small towns there are 40 which contain from 3 to 5000 inhabitants, and 100 less than 3000 each. I believe that the system which prevails in most of these places, and particularly in the Cornish boroughs, is pretty notorious. I could, if I did not fear to fatigue the attention of the House, and if the thing were not so well known, read a number of letters clearly showing many instances in which the return of members to this House, was procured by money only; by bribery the most direct: but the thing is so commonly acknowledged, so universally allowed to be the case, that it would be taking up the time of the House unnecessarily. In the last year it was admitted, that out of 44 members returned for the several boroughs of Cornwall, there were only five who were natives of that county. In another place it was urged by a minister of the Crown as an argument against granting the forfeited franchise of Grampound to Cornwall, that the boroughs of that county represented the commercial

interests; and it has even been quoted as a proof of the elasticity of the constitution, that it can thus take in and represent the new interests and the new property of the country. Good God! and is this the way in which the representation of the new interests, and the new property of the country, is to commence? I beg the attention of the House to this practice, to its origin, and to some of its consequences: and then I will ask any man, who respects the Constitution, to say, whether the new interests, the increased wealth and importance of the country, ought to be so represented? This new representation is commenced by an open violation of one of the most sacred laws of parliament. To this is added wilful and corrupt perjury; and in the train of these there follow drunkenness and almost every species of immorality. But with all these disadvantages, with this contempt of law, this gross immorality, does the system produce any thing like representation? It does no such thing. There is no community of interests between the elector and the elected: the elector is utterly indifferent to the character, conduct, or sentiments of the man for whom he votes; and when once the price of that vote is paid, it is to him a matter of no earthly consequence, whether his purchaser is a Tory or a Whig, whether he has sworn allegiance to the House of Stuart or the House of Brunswick, or even the Nabob of Arcot—whether he is a supporter of despotism or a friend to liberty.

One of the worst consequences of this system is the possession of power without responsibility. In fact, the individual thus buying himself in, represents only the commercial House to which he belongs. I remember on one occasion, a member who had got into the House by dint of money, and who was afraid lest I should criticise the means by which he had obtained his seat, came to me, and assured me, that he had no wish whatever to enter parliament, but that he did so to oblige his partners in trade. Now, that is exactly the kind of representative which I do not wish to see in this House. I do not wish to see men returned here for commercial houses, representing only their partners, and naturally anxious to oblige government and support its measures, in order to procure patronage and favour for their establishments. I do not mean to say, that this was the case with the gentleman to whose case I have alluded; but I know that there are members who procure seats in this House for no other purpose but that of assisting the commercial houses with which they are connected. It is well known that in the war there were many good things to be given away, which it was of course a great object with commercial men to procure. There was a license for trade to the West Indies given to one house, which I am informed was worth at least 15,000*l*. Is it not natural to suppose, that such a grant must give no small bias in favour of government to the political sentiments of the parties?

Another circumstance arising out of the representation of the small boroughs is, that it is generally procured by the supporters of government. There are few who would wish to expend such a large sum of money as will buy a seat in parliament, for the pleasure of constantly voting in minorities. Many of those who are returned for these places may have a conscientious disposition to support the measures of government, and therefore come into parliament, in order, by such support, to forward the interests of their country. Others come in with the view that, by assisting the minister, they may obtain a share of his patronage. But whatever may be the views of those who procure a seat in this House, in order to support the government, whether conscientious or corrupt, it is interest, and interest alone which induces the greater number of the immediate patrons of these boroughs, to apply to ministers for a candidate. The attorney who has obtained an influence in a corrupt borough—the middle man—who performs the disgraceful office of handing over the bribe—keeping half as a fee for himself—from the elected to the elector, has no better way of preserving his hold on the borough, than by obtaining the disposal of government patronage in the place and its neighbourhood. He goes to the minister to offer the seat: the minister recommends his friend—his friend, sometimes assisted by the minister, pays his money for the seat. Thus a permanent connection is established between the minister and the borough patron; the one secures a member to support him in parliament, the other confirms his own possession in the lucrative property which produces members of parliament.

Besides this general connection, it is notorious, that some of the small boroughs

are so overrun with ministerial patronage, as to be completely in the hands of government. That for which the right hon. the chancellor of the exchequer sits, is of this description. So many situations in the post-office, the packet-office, and other public departments, are held by persons connected with it, that government may be said to have the entire command of the seat; and it is impossible that any independent inhabitant can ever hope to possess the smallest influence there.

But allowing the existence of the abuses I have exposed, there arises another question, whether these abuses have made themselves practically felt in the government of the country. In reference to this question, and in answer to an exposition of abuses somewhat similar to that I have just made, when the subject was brought forward, on a former occasion, Mr. Windham, who was opposed to all reform, observed, that no practical evil resulted from the system of representation, and, with his usual liveliness of expression, likened the petitioners for reform to the man mentioned in the "Spectator," who had every symptom of the gout except the pain. This, however amusing, is a very unphilosophical view of the question, and is directly in the teeth of the remark of Bacon, who says, with equal truth and sagacity, "this is true, that the wisdom of all these latter times in princes' affairs is rather fine deliveries and shiftings of dangers when they are near, than solid and grounded courses to keep them aloof. But this is but to try masteries with fortune: and let men beware how they neglect and suffer matter of trouble to be prepared; for no man can forbid the spark, or tell whence it may come." Notwithstanding the evident existence of these abuses, however, I should be hopeless of carrying conviction to the minds of the House, if many of those abuses had not become visible in their effects. We have now the pain, along with other symptoms, and are suffering severely from the inadequacy of this House to represent the people. By these sufferings it is, that the minds of men are thoroughly convinced of the necessity of reform; and though the opinion of most is, that it could not immediately remedy many of the disorders which its delay has produced, yet it would at least have this effect, of affording a security for good government in future.

In looking at the evils arising from an inadequate system of representation, it must strike every one, that a parliament might go on for a long time without representing the people, and yet without appearing to have very distinct interests. The consequence would be, that the evil would not be so immediately felt. For instance, the people might be eager for a war, and it might be the interest of a corrupt parliament to encourage them to carry their wish into execution. The country might be governed by a good and enlightened minister, and it might be the interest of a corrupt as well as of an honest parliament to support that minister. The people might wish for a reformation in the laws, and there might be nothing in the interests of the most corrupt House of Commons that should induce them to oppose that reformation. There might thus be some cases in which no injury would result to the public from such a system as I have described; but there are other cases, which cannot fail to convince even the most incredulous on the subject, that what they have long been accustomed to consider a complete system of representation, is really incomplete and imperfect.

To exemplify what I have just said, I will take the liberty of reviewing, as shortly as I can, what has occurred since the motion for reform, which Mr. Pitt made in the year 1785. For some time after Mr. Pitt became minister, he escaped all odium, as well by the merit of his own measures, as by the unpopularity of the coalition. Indeed, I consider the measures of Mr. Pitt, after his first accession to office, to have been eminently wise, economical, and just. They were followed by great popularity, which enabled him to conduct the affairs of government, for some years, without the people feeling any necessity of a change being made in the system of representation. Mr. Pitt gave currency to the idea, that the evils of a defective representation might not be felt upon all occasions, when, upon Mr. Flood's motion for reform in 1790, he said, that he was as firm and zealous a friend of the question as he had ever been, that he should be ready to propose his motion for it again, whenever a proper opportunity should arise—that it was true, that, for some time, the inconveniences of a want of reform might not be felt; but they would be felt in certain contingencies,

Passing over some years of peace, Mr. Pitt entered upon the war in 1793, having on his side, as he believed, the greater part of the property of the country. I am ready to admit, that the monied men of the country, alarmed by the terrors of Jacobinism—whether justly or no I will not now stop to determine—did enter willingly at first into the war. At a later period, however, it appeared from general testimony that the disposition of the country tended towards peace. Their disposition was gratified two or three years afterwards, by the peace of Amiens. That peace, as all of us know, was only of short duration. We entered upon a fresh war, and continued it for a few years, without any discrepancy appearing between the conduct of the parliament and the wishes of the people, or at least without the people's expressing any earnest desire for a reform in their representation. Yet let it not be supposed, because the people did not cry out for reform, it follows, that the government was conducted in exact accordance to their sober and just opinions. For it is of the nature of the people to push obedience almost to a fault. Nothing can be more false than the opinions of those, who maintain that agitators can easily, and without cause, excite the people to tumultuous and seditious practices. So far is this from being the case, that the disposition of every people is naturally hostile to agitators; indeed, it is so strongly in favour of government, that the general mass of a country never can be induced to see abuse until it becomes intolerable, or be persuaded to take measures of precaution against a contingent loss of property and liberty: nay, more, they will frequently even submit to the greatest evils of misgovernment, before they venture to utter one word in their own behalf.

In the course of the war, however, some instances occurred, which could not fail to excite in the minds of a sensible nation, a lively attention to the acts of its representatives. The strongest instance that I now recollect is, the resolution of this House, on the expedition to Walcheren, in 1809. That expedition was an instance of as singular misconduct and incapacity on the part of the government, as was ever displayed in any expedition sent out from this country. There was nothing alleged in this House, either in support of the original plan, or of the mode of its execution. No untoward accident had happened to prevent its success; the enemy scarcely offered any resistance; every thing went on as well as the planner of the expedition could wish; and yet the result of it has been nothing but disgrace and calamity to the country. It was so fatal as to realize the cries of the children of Israel to Moses in the wilderness—"Because there were no graves in Egypt, hast thou taken us away to die in the wilderness?" And yet, upon that expedition, failing as it did in all its objects, attended as it was by the utmost disgrace and calamity, the House of Commons of that day was not contented with conferring a vote of silent approbation, but absolutely resolved upon a formal eulogium, and entered that eulogium upon its Journals, in order to prevent the removal of the ministers who had devised and supported so absurd a project! This fact was so strong and so striking, that it convinced many who had before held different opinions, and made them feel that there was no community of interest between the parliament that could sanction such an expedition, and a people which were execrating the planners of it, and calling for their condign punishment as an atonement to the thousands of their countrymen who had been unnecessarily and wantonly sacrificed. The result of that resolution of the House of Commons is, that the projector of that most calamitous expedition is now the leader of this House, and the general who conducted its execution is in possession of one of the most splendid rewards that it is in the power of the Crown to bestow.

The general popularity, however, of the Spanish war—a war in which I confess that I took a very strong interest—and the hopes which the people had of overcoming that sovereign who appeared to aspire to the domination of the whole earth, enabled ministers to cast a veil over the errors they had committed, and to conceal the faults of which they had been found guilty. The people again bestowed their confidence on the House of Commons, and certainly that confidence was taken advantage of in the fullest manner. Every abuse was promoted, every job was advanced, every opportunity was seized to turn the facility of the people to their own disadvantage, and to increase the heavy burthens under which they were labouring.

It was when the war was brought to an end that the question of parliamentary re-

form again attracted the attention and excited the feelings of the country. It then became a question between the two parties in this House, whether we should have a large, expensive military government, or a cheap, economical, civil government. It was evident on which side the interest of the people was on such a question: it was also evident, that if the House of Commons fairly represented the people, it would speak in unison with the wishes of the people: but it was likewise manifest, that if it did not fairly represent the people, it would provide for the private interests of its members, which, on that occasion were directly opposed to the interest of the community. Here, then, we should have the House and the people at issue. The question was one from which the constitution of the House of Commons could be fairly ascertained: it was an experiment on the subject which might very fairly be called *experimentum crucis:* it was then to be decided what were the nature of its claims to public regard and to public confidence. That question was decided; and was decided against the reputation of this House; for it voted a standing army of 99,000 men, and other establishments of corresponding magnitude.

On a former occasion I have shown, that those establishments, though they were sanctioned by a majority of the votes of this House, were not sanctioned by the majority of the members for counties. And here I may be permitted to observe, that the members for counties may be fairly considered as the real representatives of the people, though from the expense incident to county elections, they are not now so completely popular as they would become were that expense to be diminished. Now it ought never to be forgotten, that the county members had opposed this immense military establishment by a majority of 3 to 2, whilst the House of Commons had sanctioned it by a majority in the very same proportion, and had imposed on the community those heavy burthens to which a great part of their present sufferings might be fairly attributed.

In looking in a general view at the votes which have been given within the last four or five years, relative to questions of economy and retrenchment, a noble friend of mine, the member for Yorkshire, whom I do not now see in the House, has made a calculation of the manner in which votes have been given for ministers or against them by the representatives of the larger and the smaller towns. I have myself made a similar calculation from data, which I found in a pamphlet called the Elector's Remembrancer, stating the distinct votes of each particular member. My noble friend has formed his calculation chiefly from memory. I have taken my calculations from the book I have mentioned, without at all inquiring whether the parties were deemed ministerial or not. I have considered all those as ministerial voters who have never voted at all in favour of reduction, and have put down those as opposition members who have voted three times in favour of popular measures, even though they voted in general in behalf of ministers. I think that such a calculation is a fair test of virtual representation, and a fair test, also, of the value of an opinion which has been sometimes advanced in this House, that the members returned by the small towns are as much the representatives of the feelings of the people as those returned by the large towns.

In speaking of popular questions, I chiefly allude to those which refer either to the Queen or to retrenchment. These two subjects have certainly interested the country more than any others which have come before parliament. I will now mention what were the results of the different calculations made by myself and my noble friend. I will give my noble friend's calculation, first, premising, at the same time, that my noble friend considered as neutral those members who cannot fairly be said to support or oppose ministers constantly. In my calculation I have left out entirely those who appear never to have voted.

According to my noble friend, there are 33 boroughs, in each of which there are less than 1,000 inhabitants; out of the members for those boroughs 12 have voted against ministers, 44 for them, and 10 neutral. There are 35 boroughs, containing less than 2,000 inhabitants each; of their members, 15 vote against ministers, 45 for them, and 8 neutral. There were 76 boroughs, containing less than 5,000 inhabitants; out of the members for them, 48 vote against ministers, 93 for them, and 10 neutral. There were 25 boroughs, containing from 5,000 to 10,000 inhabitants each; out of the members for them, 22 vote against ministers, 27 for them, and 1 neutral. And in 31

boroughs, containing 10,000 inhabitants each and upwards, there were 38 members against ministers,* only 21 for them, and 5 neutral.

Now, my own statement is not very different from that which I have just read to the House; and as the House has heard the one with patience, I will trespass on its attention with the other. From the members of the boroughs under 500 inhabitants, there was one member in favour of reduction, and 19 against it. From the members of the boroughs containing from 500 to 1,000 inhabitants, there were 12 for, and 33 against reduction. From the members of the boroughs containing more than 1,000 and less than 2,000 inhabitants, 17 were for, and 44 against reduction. From the members of the boroughs containing more than 2,000, and less than 3,000 inhabitants, 19 were for, and 46 against reduction. From the members for the boroughs containing 5,000 inhabitants, there were 25 for, and 41 against reduction; and from those from the boroughs containing more than 5,000 inhabitants, there were 66 for, and only 47 against reduction.

Now, the general result of this calculation goes to show, that the proportion in favour of ministers diminishes as the size of the places increases; for, combining the two calculations I have just read to the House, the proportion is in the first instance as 19 to 1 in their favour; in the second, as 3 to 1; in the third, as 2 to 1; in the fourth, as 4 to 3; in the fifth as 3 to 5; so that in the last case it is 5 to 3 against administration, and for retrenchment.

Now these are facts which ought to convince the most incredulous, that the small towns do not represent the interests of the people as well as the large towns. They speak for themselves, and need no further illustration from me. But besides these facts, others have occurred during this session of parliament, which afford results equally striking. I shall take two questions which have been discussed in it, and which undoubtedly are of great public interest and importance: the one relates to the salt-tax, the other to the office of post-master-general. Upon the salt-tax the numbers were 169 in favour of its continuance, and 165 in support of its abolition. Out of these 165 members, there were 42 for English and Welsh counties, and 55 for the large towns; of which towns there are altogether not more than 56*; so that in this small number of 165, less than a third of the English members, we have nearly a majority of the whole number of English members for counties and large towns. Now out of the 169 members, who formed the majority on that occasion, I cannot make out more than 14 county members, though I can make out 61 placemen, of whom only 10 can be in any respect considered as nominees of counties or of large towns. I trust, that after such a statement I shall not hear it averred again, that, while the ministerial side of the House contains the representatives of large and populous towns, the Opposition benches are filled with nothing but nominees sitting for rotten boroughs.

The division on the office of postmaster-general was still more decisively in favour of the proposition which I wish to establish. There were 159 members for the abolition, and 184 for the continuance of that useless office; so that there was a majority of 25 in favour of the office and of ministers. Of the 159, 29 were the representatives of English and Welsh counties, and 40 the representatives of large towns, making together a total of 69. On the other side, I cannot make out more than 11 county members, and 23 members for large towns, making a total of 34: that is to say, that out of those members who were really elected by the people, there were 69 for abolishing, and only 34 for continuing the office. If there be any fact that can make any impression upon the House, it is that which I have just mentioned. Upon that question we have an illustration of the admirable theory I before alluded to, and of which we have lately heard so much—I mean the theory that the House represents not only the people, but also the Crown and the House of Lords. Upon that question we had an instance of the representatives of the Crown and of the House of Lords overbalancing the representatives of the people, until they were completely merged in a minority; and be it observed, that the question upon which the representatives of the Crown and of the House of Lords so overbalanced the representatives of the people, was a question whether we should maintain an office that was in the patronage of the Crown, and had been conferred upon a member of the House of Lords. Let it be also recollected, that upon that memorable night the doctrine was first advanced, that useless offices

ought to be maintained as a counterpoise to the increasing intelligence of the people—a doctrine which my hon. and learned friend the member for Knaresborough (sir J. Mackintosh), with his knowledge of Constitutional history, has declared to be altogether new; and at which even the hon. member for Corfe Castle (Mr. Bankes) has expressed himself to be alarmed; and let it also not be forgotten, that that doctrine, new and alarming as it was, has been sanctioned by those who were not the representatives of the people, but who personated, on this occasion, the House of Commons, and declared and avowed this theory as their principle of action.—I will ask any man who looked at this question—who saw the confusion of different branches of the constitution which was thus created—who beheld the public money unsparingly granted by those who were afterwards to reap benefit from the disposal of it—who perceived control assumed over the public expenditure for the purpose of more effectually sanctioning abuse, screening delinquency, and opposing the wishes and petitions of the people for reduction—I will ask any man, who took all the points to which I have just referred into consideration, whether it is any exaggeration to say, that every lover of liberty ought to feel alarmed at the danger to which the British constitution now stands exposed?

Having stated thus much of the practical evils resulting from the present system of representation, I must be permitted to observe, that there are other evils to which it has given rise, much more grievous to a friend of freedom than any which I have yet mentioned. The natural balance of the constitution is this—that the Crown should appoint its ministers, that those ministers should have the confidence of the House of Commons, and that the House of Commons should represent the sense and wishes of the people. Such was the machinery of our government; and if any wheel of it went wrong, it deranged the whole system. Thus, when the Stuarts were on the throne, and their ministers did not enjoy the confidence of the House of Commons, the consequence was tumult, insurrection, and civil war throughout the country. At the present period, the ministers of the Crown possess the confidence of the House of Commons, but the House of Commons does not possess the esteem and reverence of the people. The consequences to the country are equally fatal. We have seen discontent breaking into outrage in various quarters—we have seen every excess of popular frenzy committed and defended—we have seen alarm universally prevailing among the upper classes, and disaffection among the lower—we have seen the ministers of the Crown seek a remedy for these evils in a system of severe coercion—in restrictive laws—in large standing armies—in enormous barracks, and in every other resource that belongs to a government which is not founded on the hearts of its subjects. I may be told, that in the divisions which took place on the enacting of those restrictive laws, the names of many friends of freedom are to be found. If I am obliged to admit this, and even that there are some personal friends of my own, for whom I bear the greatest respect as sincere partisans of liberty, who, nevertheless, have assisted in imposing those restrictions upon the people, which sweep away many of the provisions of Magna Charta and the Bill of Rights, and materially diminish the ancient privileges of Englishmen, I shall at the same time say, that I observe the occurrence with regret, and deplore the more the fatal mistake which has been committed. It is my persuasion, that the liberties of Englishmen, being founded upon the general consent of all, must remain upon that basis, or must altogether cease to have any existence. We cannot confine liberty in this country to one class of men: we cannot erect here a senate of Venice, by which a small part of the community is enabled to lord it over the majority; we cannot in this land, and at this time make liberty the inheritance of a *caste*. It is the nature of English liberty, that her nightingale notes should never be heard from within the bars and gratings of a cage; to preserve any thing of the grace and the sweetness, they must have something of the wildness of freedom. I speak according to the spirit of our constitution when I say, that the liberty of England abhors the unnatural protection of a standing army; she abjures the countenance of fortresses and barracks; nor can those institutions ever be maintained by force and terror that were founded upon mildness and affection.

If we ask the causes, why a system of government, so contrary to the spirit of our laws, so obnoxious to the feelings of

our people, so ominous to the future prospects of the country, has been adopted, we shall find the root of the evil to lie in the defective state of our representation. The votes of the House of Commons no longer imply the general assent of the realm; they no longer carry with them the sympathies and understandings of the nation. The ministers of the Crown, after obtaining triumphant majorities in this House, are obliged to have recourse to other means than those of persuasion, reverence for authority, and voluntary respect, to procure the adherence of the country. They are obliged to enforce, by arms, obedience to acts of this House—which, according to every just theory, are supposed to emanate from the people themselves.

Nor is it one of the least evils of this system, that the ministers themselves are often compelled to retract their measures and alter their policy. If the House of Commons represented the people, the ministers would have no other difficulty than that of making their measures palatable to that assembly. Once sanctioned there, they would naturally obtain the cordial and affectionate concurrence of the country. But, in the present state of things, ministers are obliged to follow a winding and uncertain course; they are to be seen supplicating in one quarter, bribing in another, menacing in a third; they employ the whole session in courting the approbation of the great proprietors of the boroughs, and then, after the prorogation of parliament, they frequently find their whole web of policy undone by the sense of the country: and why? Because, in spite of the approbation of the House of Commons, a free press and a public opinion dare to condemn their conduct, and have power enough to prevent their measures being carried into effect.—Thus, to quote one instance among a thousand, after the House of Commons of 1816 gave their sanction to a standing army of 99,000 men, the remonstrances of the people have compelled the government, by repeated clamours to reduce it to 68,000, only two-thirds of the original establishment.

Now, in proposing reform, I propose a measure which must be for the advantage of a wise and good administration; nay, it ought to be wished for even by the present ministers. For my own part, I will confess that I have never seen in them any dark or dangerous designs of destroying the liberty of their country: all that I have been able to observe in them is little inclination to do any thing, either good or evil, so long as they were permitted to retain unmolested the advantages they derive from power, place, and profit. I believe, that in most cases it is perfectly indifferent to them whether the measures they carry are those which they themselves originally proposed or those which have been altered, framed, and dictated by the indignant sense of the country. I wish them, therefore, to find at once in parliament an echo of the public voice; to have it in their power to avoid the odium and disgrace of carrying in this assembly measures which they afterwards abandon; to be able, without the delusive support of a majority not acknowledged by the country, to feel at once in this House the pulse of the people of England. Such a reform, I am convinced, would be at once an advantage to the Crown, a blessing to the people, and the safety of the balance of the constitution.

In these conclusions I am happy to think that I am supported by great weight of authority. Lord Clarendon, it is well known, speaking of Cromwell's parliament, in which the number of members for counties was greatly increased, and the smaller boroughs totally omitted, says, it was generally thought "a warrantable alteration, and fit to be made in better times." Mr. Locke complains of the representation of decayed boroughs, and particularly of Old Sarum. Without entering more into detail, I may say, that Mr. Justice Blackstone, lord Chatham, Mr. Fox, and Mr. Pitt, all concur in recommending a temperate and rational reform.

Thus you have the sanction of lord Clarendon, the most venerable of Tory statesmen; of Locke, the most liberal of Whig philosophers; of Blackstone, the most cautious of constitutional writers; of Chatham, the boldest of practical ministers; of Mr. Pitt, the theme of eulogy to one great party in this country; of Mr. Fox, the object of affectionate admiration to another. Such an union of the great authorities of men, however different in temper, however opposed in politics, of men forming their judgment upon the most different grounds, living in different times, and agreeing in their conclusions upon hardly any other topic, strikes me as presenting a moral combination in fa-

vour of my proposition, that is in itself almost irresistible. The opinions of the men whom I have named are blended in our minds with all that is venerable in our constitution and our laws; their united suffrage in favour of any new measure gives to the mind much of that confidence, which in general is only obtained by following the lessons of experience; it takes away from reform all the ruggedness of innovation, and constitutes, as it were, a species of precedent in favour of the course which I am urging you to pursue.—Against these authorities I know of no equal names which can be adduced on the other side. There are, it is true, Mr. Burke and Mr. Windham, but they were both, perhaps, men who displayed more fancy than deep reflection in the view which they took of this question, and who have certainly left on record no confutation of the powerful arguments of the great statesmen, who thought differently from them on the subject.

Having now had the honour of stating to the House the unprecedented advance of the country of late times in wealth and knowledge; having stated the great increase of corruption which has crept into the elections, and how much confined the popular force has become in influencing the various modes by which members obtain seats in this House; having also stated the practical injury which has ensued in the wide distinctions prevailing on some great public questions, between the opinions of the people of England and of the members of this House, I now come to the consideration of a plan which I think calculated to remedy a great part of the existing evil. In considering what that plan should be, I have naturally directed my attention to the remedial measures which have been heretofore suggested by persons of weight and authority on this subject. The proposition of lord Chatham was to add 100 to the number of knights of the shire sitting in this House. Mr. Pitt, likewise following the footsteps of his father, at first proposed an addition of 100 to the number of county members. Mr. Flood, in the year 1790, proposed the same numerical accession of strength to the representation, to be elected by householders throughout the country; and Mr. Fox at the time remarked, that the plan of Mr. Flood was the best he had ever seen submitted to the consideration of parliament. Feeling, therefore, the weight and influence of such great authorities, I shall adopt their number in my present proposition.

My plan will then be, that a hundred new members shall be admitted into this House; and, as far as I have formed any settled opinion about the distribution of that number, the leaning of my mind is, that 60 members should be added for the counties, and the remaining 40 of the 100 should be for the great towns and commercial interests of the country. However, as to the manner of distribution and the mode of election, that is a branch of the subject which ought to be reserved for the gravest and most deliberate consideration, after the present motion shall have been carried.

It may, however, be said, that since the time when Chatham, Pitt, Fox, and Flood called for an addition to the number of members in this House, their proposed number of 100 has, in point of fact, been added by the Irish Union, which it is known has given that numerical addition to our body. Nor is there any reform more generally unpalatable than that which proposes to add to the numbers of this House, already rather too large than otherwise. In order to get out of this difficulty, I should say, that a number to the same amount as that given for the representation of Ireland might be struck out of the present list, with great benefit to the country; for instance, let the hundred be taken away from the hundred smallest boroughs, which return each two members to sit in parliament. Let these boroughs return but one member each, and then the present number of the House will be retained.

In proposing this plan, I cannot but recal to the recollection of the House, that it was not long ago since I hoped, that much of the real advantages of reform might have been obtained by the detection of prevailing corruption at the borough elections, and the filling up of vacancies so detected by a more popular form. By these means it was possible that a great popular representation might have been introduced, to the exclusion of a wide spreading corruption. In the hope of accomplishing such a change, I moved for a committee last year, to consider of the means of legally convicting boroughs of notorious corruption; and I am not sure that, if the matter had been then taken up in a spirit of sincerity, it would not have effected, in a silent and gradual manner, an adequate reform in parliament.

But to be efficacious, it requires the whole co-operation of this House, and such an aid, I am sorry to declare, I have not been so fortunate as to obtain. I am sorry that the House did not, on the occasion to which I allude, evince the sincere wish I had hoped for, to put down corruption. They agreed, it is true, to punish any specific act of corruption, whenever the particular case was brought under the consideration of parliament; but they would not agree to enact the only measures which were calculated practically to put down the evil they professed so anxious a desire to correct. In that respect their conduct resembled that of a police magistrate, who should declare his readiness to convict any notorious thief who might be brought before him, but who at the same time should proclaim, that though he knew there were bands of thieves nightly prowling through the streets, he would not send out a single officer of police to apprehend and detect them.

The indifference of the House to the measures I then proposed has compelled me to look for others more calculated to insure the co-operation of the country at large, and to obtain from the House, in the gross, that reform which they were unwilling to effect by gradual and unpretending means. I therefore press for your consideration the plan which I have now opened; I think it the best and safest proposition which can be suggested for the remedy of a notorious and growing evil.

There are, obviously, many minor details, into which it is unnecessary for me now to enter, and which can only be conveniently considered in a future stage of this proceeding: such, for instance, is the discussion whether copyholders ought to be permitted to vote in the counties; but these matters, I repeat, had better remain over until after the introduction of a bill, defining the outline of my plan. The first step must be to ascertain whether the House will consider at all the question of parliamentary reform. If they once admit the necessity of the principle for which I contend, then I have no doubt they may hereafter, with little difficulty, become reconciled to the measures for its practical application. I think, under such circumstances, the modification of details might easily be accomplished. Leaving, therefore, all these details for future consideration, I will shortly state the answers that strike me as applicable to some of the objections, which I have heard from time to time made to the expediency, if not to the principle, of parliamentary reform.

The first and most plausible objection against any alteration in the present constitution of the small boroughs is, that they constantly furnish the means of bringing into parliament men of great talents. This is an advantage which I am not in any way disposed to undervalue; but it is one which I submit would remain after my plan is adopted. I have no objection that a number of these boroughs should remain as they now stand; but what I object to respecting them is, that the small boroughs are so numerous, according to the present system, as not only to have their proper weight in the scale of the representation, but to have, in addition, the means of commanding a preponderating majority in parliament. They thus give the sanction of a general parliamentary assent to measures, which have in the main received only the concurrence of a number of individual borough-proprietors. We are thus, for the sake of obtaining a few men of talents, sacrificing the great end of parliamentary representation, the expression of the feelings and interests of the people. In order to preserve the show, we are giving up the substance of a legitimate House of Commons:

> "Thus, if you dine with my lord May'r,
> Roast beef and venison are your fare;
> But tulip leaves and lemon peel
> Serve only to adorn the meal;
> And he would be an idle dreamer,
> Who left the pie and gnaw'd the streamer."

The next objection to which I shall advert, is founded on that inveterate adherence to ancient forms, however unsuitable, to old practices, however abusive, which influences so greatly the decisions of the English parliament. As this objection has its strength more in the feelings and affections, than in any logical argument upon which it is grounded; as it rests on superstition rather than on reason, I know not how to meet it better than by referring to an example in ancient story. The instance I allude to occurs in the history of Rome; and here I must entreat the attention of the hon. member for Corfe-castle, who may be styled the tory commentator, as Machiavel may be styled the whig commentator, on Roman history. About 370 years after the foundation of

Rome, there arose a contest, not very unlike the question we are now debating, whether the two consuls should continue to be chosen from the patricians, or whether one should be chosen invariably from the plebeians. Appius Claudius, who was the prime advocate of aristocracy and existing institutions in that day, argued, that the greatest evils would follow if any change was made in the ancient forms. He contended, particularly, that none but a patrician could take the auguries—that if any alteration were made the chickens would not eat—that in vain they would be required to leave their coops. The language given to him by Livy is, "Quid enim est, si pulli non pascentur? Si ex caveâ tardius exierint? Si occinuerit avis? Parva sunt hæc: sed parva ista non contemnendo majores nostri maximam hanc rem fecerunt." Such was the reasoning of the Roman senator: reasoning, be it observed, not very different from that which is used to show, that our whole constitution will be subverted if any invasion is made upon the privileges of Old Sarum. But what was the result? After a successful war against a foreign enemy, Camillus, the dictator, had to encounter the most dangerous seditions at Rome, raised on this subject of the consulship. What did he and the senate do? It will be imagined that they passed restrictive laws; that they prohibited public meetings of more than fifty persons in the open air; that they punished the seditious orators, and restrained the liberty of speech for the future. No such thing. They assented to the petitions of the people. "Vix dum perfunctum eum bello atrocior domi seditio excepit: et per ingentia certamina dictator senatusque victus, ut rogationes tribuniciæ acciperentur; et comitia consulum adversâ nobilitate habita quibus L. Sextius de plebe primus consul factus." And what was the consequence? Discord and calamity? Quite the reverse. After some further contest, the whole dispute terminated in favour of the people; and the senate, to celebrate the return of concord between the two orders, commanded that the great games, the *ludi maximi*, should be solemnized, and that an additional holiday should be observed. Rome increased in power and glory; she defeated the Samnites; she resisted Pyrrhus; she conquered Carthage; nor in the whole of her famous history is any complaint to be found on record, that the chickens declined to eat, or that they refused to leave their coops, on account of the plebeian consul. The hon. member for Corfe-castle, in relating this circumstance, attributes the concession of Camillus to two reasons: first, that he thought it prudent to grant what could not long be refused; and secondly, that he was weary of bearing popular odium. Now, I beseech the hon. member to follow the example of Camillus: let him grant what we cannot much longer refuse, without danger to ourselves and ruin to our country. Let him rest satisfied with the odium we have already acquired, and consent to change a course which has made us so obnoxious to the people of England.

Another objection, which I have heard made to reform is, that the people, if not numerically, are at least virtually represented; and as the clearest proof of their agreement in the judgment of parliament, it is stated, that when that judgment is once pronounced, they acquiesce in it without resistance, and the agitations upon that subject immediately cease throughout the country. This is to my mind any thing but a test of popular confidence in the wisdom of parliament. The acquiescence, thus spoken of, is what in fact has constantly appeared in the conduct of the people under every government throughout the world. For it is one thing for the people to complain, pending the agitation of any question, and another and very different matter to incur the risk of criminality, by declaring any violent dissent from the final adjudication of the constitutional authorities under which they live. The practice of the people is, to express their opinions while a great question is undecided; but when the decision of the supreme magistrate once takes place, they have only to choose between bowing to his authority, or acting in rebellion to his power. The people of England, who are distinguished above all other nations for their respect to law, whose characteristic is a submission to what has been adjudged to be legal, know very well that a decision of the king and his ministers may be altered, but that, once confirmed by parliament, the act is complete and final: therefore, while a measure is ministerial, they complain; when it becomes parliamentary, they are silent. But nothing is more irrational than under such circumstances to infer the approbation of the people from that

silence. When the parliament decided upon the propriety of omitting her late majesty's name from the Liturgy, did the people, because they then petitioned no more, acquiesce in the justice of that decision? Were they, when they abstained from remonstrating against the continuance of two post-masters-general, to be supposed as adopting the decision of this House, that two were necessary. All that ought to be inferred from the people's silence, when so situated, is, that a sufficient case for actual resistance had not yet occurred, and that it was useless for them to protest against the decision of parliament. I think the people judge wisely, because, in the times in which we live, the abuses they endure, though flagrant, do not amount to a justifiable ground for actual resistance. But let not any thing be inferred from their obedience, even if pushed still farther. The people, under the very worst species of tyranny, are often found sullen and silent victims. Does the House not know the perfect obedience which was paid to the acts of James 2nd? Was that tyrant not surrounded in his worst hour of misgovernment by adulatory lawyers, by subservient addressers, by servile surrenderers of corporate rights—in short, by every being who was ready to prostrate the liberties of his country? Did not James enjoy the full measure of this sort of obedience until the evils of his misrule at length compelled him to abandon his throne? Was not the Russian Emperor Paul, notoriously tyrannical as he was, obeyed by the vast population of his empire during years of oppression, and up to the moment when the bowstring put an end to his despotic career? Was not Ferdinand of Spain obeyed when he signed with his own hand the death-warrants of his best subjects, until at last the flame of popular discontent, which remained so long smothered, burst forth in the blaze of rebellion, and consumed all the bulwarks of his arbitrary rule? No doubt that, in the day of these tyrannic acts, the inflictors of them thought, as some men are disposed to think here, that the people were in willing and satisfied obedience because they abstained from open resistance; and there were bad advisers to press for the continuance of fatal and desperate measures, until at length they became intolerable, and recoiled upon the heads of the abettors of them with ruin and destruction. The same fate will befal England, if similar measures are pursued to a desperate extremity. Suppose a war arose, not of the people's own seeking, though the minister were to secure for it the approbation of parliament—suppose it led to bankruptcy and general confusion, in that melancholy hour, what answer would the uniform opposers of reform have for those whose advice, if timely attended to, would have saved the institutions of their country? What security would you have then, that the reform which has not been made from within, may not come with a vengeance from without?

And now, lastly, I come to an objection, which, in the failure of all other argument, after the defeat of every specific and tangible objection, is always brought forward as a complete bar to every proposition of reform. This consideration, which addresses itself rather to the nerves than to the understanding of those on whom it is meant to operate, is the example of the civil wars of England and the French Revolution. I likewise beseech your attention to the civil wars of England and the French Revolution; but I beg of you that it may be a sober attention, worthy of men and of Englishmen. And first let me ask, will any man say, that it would have been right to permit Charles 1st to abolish parliamentary government, to levy money by his own authority, and supersede the ancient liberties of England by the doctrine of divine right?—that it was not lawful and praiseworthy to resist a system of despotism, not intended, not projected, but actually established in England in the early years of that reign? Or will any man say, that the mean debauchery of Louis 15th was a fit employment for the resources of a great nation like the French? That the abuses of the French government did not require reform? If there be any man who will say this, let him enjoy his opinion if he will, but let him not presume to think himself worthy to enjoy the benefits of the British constitution; and, above all, let him not venture to think his counsels can be listened to in a British parliament.

I assume, then, and let us now confine our attention to one of the two countries—I assume, that lord Clarendon, and lord Strafford, and lord Falkland were right in their early opposition to the misgovernment of Charles 1st. But why not stop, it will be said, like lord Clarendon

and lord Falkland? Alas! Sir, who shall say that the policy of lord Clarendon and lord Falkland would have procured for us a system of liberty? Who will venture to lay his finger upon that point in the history of Charles 1st, when it would have been possible to save the monarchy without losing the constitution? Who shall presume himself to possess more learning than Selden, more sagacity than Pym, more patriotism than Hampden?

The question, in fact, was involved in inextricable difficulty. From all I have read, and all I have thought upon this subject, I take the cause of that difficulty to be this: The aristocracy were divided; they were divided between a larger party, who were satisfied to bear arbitrary power for the sake of property and tranquillity; and a smaller party, who were ready to sacrifice property and even life for the sake of destroying arbitrary power. But this last party, being the minority, were obliged to call to their aid the assistance of the people. Now the history of the world shows, that to accomplish great changes in government by the active agency of the people, is a task of great hazard and uncertainty. The people, in a state of agitation, are, in times like those I speak of, naturally suspicious; they awake from a dream of confidence, and find that their facility has been abused by those rulers in whom they had implicitly trusted. In this wreck of all their established reliances, in this anxious desire for the benefits of freedom, in this tremorous apprehension of falling back into slavery, what wonder is it that their fears should be continually roused, that they should listen to accusations even against their best friends, and that, with a mixture of zeal and timidity, they should destroy the beautiful temple at the same time that they tear down the foul idol that it contains? What matter of surprise is it, that, unable to know exactly the truth, they should rase the very foundations of a society under which they have greatly suffered?

But how are these evils to be avoided? How are these natural and usual calamities attendant on popular revolutions, to be averted? By a united aristocracy. History here, too, tells us, that if great changes accomplished by the people are dangerous, although sometimes salutary, great changes accomplished by an aristocracy, at the desire of the people, are at once salutary and safe. When such revolutions are made, the people are always ready to leave in the hands of the aristocracy that guidance which tends to preserve the balance of the government and the tranquillity of the state. Such a change was the expulsion of the Tarquins from Rome; of James 2nd from England, These were revolutions, accomplished without bloodshed and confusion, by the influence of an united aristocracy. I call upon the aristocracy of England, therefore, now to unite to make that change safe, which, if they do not unite, may be dangerous, but which will not be the less inevitable. I call upon the Tories to stay the progress of abuses, which must end in the convulsion of the state. I appeal still more confidently to the Whigs to unite for a similar object. If I know any thing of Whiggism, the spirit of Whiggism is, to require for the people as much liberty as their hands can safely grasp at the time when it is required: and I am so far from agreeing to the flimsy accusations sometimes made against the Whigs, that I think, looking at their conduct from the beginning, their chief fault has been a fault of policy, in asking for more freedom and more securities for freedom than the people wished or could retain. The exclusion bill and the whole life of Mr. Fox are instances of this observation. When at the revolution, however, the government of this country was settled, the Whigs retained in their own hands the boroughs which they were able to influence. I really believe that to this measure the settlement of the house of Hanover is mainly owing. During the reigns of the two first kings of the house of Brunswick, the county members consisted almost entirely of the most determined Tories; and had they prevailed, we should probably have seen upon the throne the descendants of James 2nd, granting, perhaps, more securities for our religion, but not more guarantees for our liberty than James himself. I think, therefore, the Whigs were fully justified in retaining a certain quantity of borough influence, which they could not otherwise have justly held. But now, when the people are enlightened, and fully capable of understanding their own interests, the Whigs will act wisely if they yield to the increased intelligence of the country a due share in the return of their representatives. As they formerly retained the boroughs to secure liberty, let them now for the same noble object consent to part

with them. Let them show to the country, that if reform is impeded, the Whig aristocracy stands free from the charge of hindering its progress from any personal and selfish interest of their own. In so doing, they will give energy and effect to their opposition in parliament; for I do not wish to conceal it, the possession of these boroughs has lessened the energy of their efforts in support of the liberties of the country. They have been able to state, with less firmness and frankness than they might otherwise have done, the causes of the misgovernment of the country; and the people, on the other hand, seem to feel that the Whig aristocracy retain something which properly belongs to themselves. Hence the union between the party of the people within and without the walls of parliament has been less cordial than it would be if the Whigs were content to yield something to the popular desire for reform: I beseech them to do so; but not them only; all the aristocracy of the land. Sir William Temple, a wise and amiable man, but whom no one will accuse of being too great an enthusiast for liberty, has said, that this great nation never can be ruined but by itself; and that, even in the greatest changes, if the weight and number rolled one way, yet England would be safe. I beseech you that the weight and number may roll one way; I beseech the possessors of great property to consider how nearly it concerns them to retain the affections of the great mass of the people. I beseech you, that, throwing aside all feminine fears, all pedantic prejudices, and all private advantages, you will consider only your duty as men, the wants of the age in which we live, and that permanent and pervading interest which we all have in the maintenance of the English constitution. May you remember, that the liberty which was acquired for you by your ancestors will be required of you by your descendants: then will you agree to a temperate and timely reform, reconcile the different classes of society, and prevent a convulsion which may involve all in one common ruin. Then may that proud constitution, which has now subsisted in maturity little more than one hundred years, continue to maintain the spirit of its freedom, and extend the sphere of its salutary influence, until its existence vies with that of the most durable institutions that were ever reared for the happiness of mankind in any age or in any country.—I now move, "That the present state of the representation of the People in Parliament requires the most serious consideration of this House."

Mr. *Horace Twiss* said, the House would not expect him to go through a tithe of the various matter adverted to, and the enormous theories by which it had been attempted to support this question. As to the objections urged by the noble lord against the influence of the Crown in that House, it appeared to him, that such influence could only be objectionable when the functions of government were completely exercised out of doors; but when the whole executive was, as it were, carried on in that House, the objection he thought did not stand upon such good ground. The same might be said of the interference of the Lords in that House. But, in advocating innovations upon the existing system of things, the advocates were not entitled to any benefit from the antiquity of any practice. They who opposed them had a right to follow such a course of argument; but surely not they who urged as the foundation of their argument the modern changes of time. But upon those silent changes he was willing to rest the issue of the question between them. And in reply to the augmentation of power in the House of Peers, he would urge the popular party, which in the lapse of time had insensibly grown up in that House, unknown to our ancestors. If bribery and corruption were found to exist in some of the details, it was not fair to charge the system with it. If the outrages of the Westminster mob had been attended with loss of life in the case of sir M. Maxwell, or if the attempt at drowning a candidate on a late occasion at Chester had succeeded, it would have been deemed murder by the law; but would it have been fair to charge these as evils upon the popular system? The noble lord, in his inducements for reform included the expense of boroughs. But, allowing the expense of a borough election to amount to 4,000*l.*, he asked if for treble that sum any one would guarantee the cost of a contested election for Manchester or Leeds? The expense then being equal, or greater in the popular mode, he asked any one who had witnessed the scene of a contested election, the state of the public-houses, and the state of the electors, stimulated to outrage and disorder by every idle watch-word, which

was the preferable system? The expression of public opinion was much about the same in both cases. There was one very difficult point of difference between the noble mover, and himself as to the meaning of the word "representative." He (Mr. T.) understood by it a guardian of the interests of the people in parliament, to the best of his abilities. Let the noble lord look at the operation of public opinion in bringing about the abolition of the slave trade, the emancipation of religious sects, and the mitigation of punishment, before he declared that the people were not ably and amply represented in parliament. But, although it ought duly to represent public opinion, that House ought to oppose a steady, constitutional barrier, against the overrunning stream of popular innovation. The innovation contended for by the noble lord, was by some unaccountable means, styled moderate reform. This moderate reform was, to disfranchise a hundred boroughs at once. This was the amputation of an entire limb [Hear!]. It would be well for the House, in disposing of this question, to consider what would come next, if they satisfied the cravings of the reformers in this respect. They would next be told they had not gone far enough; and they would be driven on, from one point to another, until they arrived at complete radical reform. These attempts of the radicals had been, by some of their own number, compared to the operation of wedges! But, unhappily, those wedges would be found each succeeding one of larger dimensions than the last, and formed so as to fit the enlarged gap, till the solid fabric of the constitution was rent asunder, and riven to the very heart. Those who formerly only claimed to be governed equitably, now demanded to direct the government themselves. The House would consider how far, if they assented to the first of a series of premeditated changes in the constitution, they might not be instrumental in a total subversion of the monarchy. If a second time the monarchy was to fall before the democracy, the House of Commons, he trusted, would not a second time assist in achieving the downfall.

Lord *Folkestone* said, that as this was the first time upon which he had risen to deliver his opinions in that House upon the great question which was involved in the motion of the noble lord, he claimed the indulgence of the House while he stated to them the grounds of the vote which he should give. He had, after much doubt and hesitation on this momentous subject, at length made up his mind to vote for a reform in parliament, and to support a measure calculated properly to produce that end. Still, however, entertaining great deference for the opinions of very many honourable persons which he knew differed on this point from his own opinions, he must declare that every feeling of his heart was engaged in the cause; and that the result of his inquiries and deliberations only tended to convince him, that it had now become absolutely necessary, for the salvation of the country, that a reform —and a very decided one—should be adopted. The reform he should advocate was not framed so as to establish a democracy—it was not meant to destroy the throne, but to support it. It was with a view rather of rescuing the throne from the dangerous situation in which the present system, as he conceived, was calculated to place it—it was in the hope of more firmly establishing it, that he meant to support the present motion. To him it did appear, that it must be almost impossible for any hon. member, whatever his sentiments on political questions might be, to take upon himself to assert, that the representation of the people in that House was in such a state, at present, as he would declare that he thought fit and proper. To prove the necessity of some reform, cases were by no means wanting; for they were to be found in many of the votes of the House. But, of all the various votes to which it had of late years come, none in his judgment was more apposite by way of example, than one which had been agreed to in an early period of the present session. It did strike him as that particular vote which, of all others, in his parliamentary experience, was most likely to reflect discredit and disrepute upon parliament. A few weeks ago that House had manifested its willingness to vote the suspension of the Habeas Corpus act in Ireland, without any ground whatever being laid for such a suspension, excepting what was furnished by the speech of the minister, and the mere representation of the noble lord who was at the head of the government of Ireland, to that effect. Yet a measure of this momentous nature had been voted, and passed in one night. Now, it had turned out, that so slight was the necessity for such an act, that since this

hasty vote. It had not been in one single instance brought into operation; nor had there been one single person arrested under it. After this, would any person feeling a real regard, a genuine love for his country and the constitution—would any one be found to say, that House was constituted as a British House of Commons ought to be? For his own part, he really and truly believed, that there was no gentleman on the other side even, who would get up and say that, either in principle, or theory, or fact, the House at present was so constituted. He did not believe that any of those hon. gentlemen really wished to retain the present constitution of parliament, except from a fear of ulterior consequences—from an apprehension of future convulsions and revolutions. And, with respect to convulsions, he would beg leave to ask the House, looking at the state of affairs which at that moment actually existed in the country, whether, if the House continued to be constituted as it now was, and went on pursuing the same measures which it had long been pursuing, they could suppose that such convulsions could be averted?

On referring to the various arguments which had been at different times adduced against parliamentary reform, he found some that were singularly contradictory and inconsistent with each other. In some cases the argument had been drawn from the paucity of petitions presented for reform, in others, from the multiplicity of such petitions: in others, again, the objection or argument was founded on the supposed danger of the principle of adding 100 members to the body of parliament. Another principle, upon which parliamentary reform had been several years ago resisted in that House by one of the most honest opponents of the question, (the late Mr. John Pitt, afterwards lord Camelford,) was this—that the House of Lords was no effective counterbalance to the power of the Crown, and therefore it was necessary to keep up the borough system. This argument was not less extraordinary than the others he had mentioned. But, there had been some two years since, a speech published, purporting to have been delivered by a right hon. gentleman (Mr. Canning), whom he saw in his place, to his constituents at Liverpool, which was supposed to contain the newest and most approved arguments against reform. It had been cried up in that House as containing all that could be advanced on the subject; and from the price at which it was published, (and by which, to judge from the size of the pamphlet, the booksellers must have been losers), it would appear to have been widely dispersed over the country. If he had not known that the right hon. gentleman was a strong opponent of reform in parliament—that the right hon. gentleman's object in making that speech was to instruct his constituents as to the dangers of reform, he should have said, upon perusing it, that it was a speech in favour of parliamentary reform. [Hear.] The right hon. gentleman, in his address at Liverpool, had spoken of the account which he owed to his constituents as their member, and as a minister of the Crown. This was a very democratical notion. Responsible as a representative to his constituents he certainly was, but how as a minister of the Crown the right hon. gentleman was more accountable to the people of Liverpool than to the people of Manchester or any other town, he did not perceive. The argument upon which the right hon. gentleman had chiefly relied was, the vast happiness the people of England enjoyed under the system as it existed. In the first place, this happiness might not be produced by the system; but if it were, he should be glad to know where that happiness was now to be found? Had it not entirely disappeared, and were not the people at this moment in a state of suffering not surpassed in the history of the world? In talking of the present constitution of the House, it was not a little curious to remark the present constitution of the government. Not long since, the noble marquis (Londonderry), had come down with a detailed statement of disturbances in Ireland: and he had concluded by frightening the House by assuring it, that "rebellion was stalking abroad in the land." Yet, what had another member of the government only a few nights ago asserted on the same subject? Not only that rebellion did not stalk the land, but that the disturbances were only not contemptible, because if not checked they might lead to dangerous consequences. Such were the trifling contradictions of the different members of government in the present constitution of the House! But, if it was to be contended, that all the happiness of the country was to be attributed to the House of Commons, he with much better reason, might attribute all its distress to the

House of Commons; because it was the special business of the House of Commons to see that the people were not dammified.

To return to the speech of the right hon. gentleman at Liverpool. He had proceeded to illustrate what he called the happiness of the country under the powers that were, by reference to the six acts—those melancholy attacks upon British liberty, which had passed shortly before his election. At least this was unfortunate, especially as within two months after the address was delivered, rumours were heard of drillings in the north, and disorders prevailed, just as much as if the House had never passed the six acts. In addition, ministers had then thought it necessary, in spite of the happiness of the whole country, to build new barracks at Carlisle and Glasgow, and for the ground on which they were erected they had been compelled to pay 200*l.* and 250*l.* per acre. Such were the beneficent effects of the six acts. If they looked at the right hon. gentleman's account of the effect of the House of Commons on the other branches of the constitution, it was the more extraordinary that he approved of it. This, the right hon. gentleman observed, was admitted on all hands, that, from the first establishment of the House of Commons, it had been gradually growing in power, until, like Aaron's rod, it had well nigh swallowed up the other two branches, its fellows. The right hon. gentleman had said, that the constitution was good, because it was continually shifting and varying. Now, if it had been good at that time—if it had then been so nicely balanced at that time—it could hardly happen that it was exactly balanced now. If the system were good at the moment the speech was delivered—if at that precise period the balance were so nicely and delicately adjusted, it could not be so at present; because it was always altering. And did the right hon. gentleman mean that it had reached its perfection just at the date of his defence? He (lord F.) was convinced that the system—the constitution of the House—was hourly becoming more obnoxious; and though, perhaps, it might not yet have absorbed its fellows, it had taken a great stride to absorb one of the prerogatives of the Crown, and a prerogative of the highest value and importance. After the bill of pains and penalties against her majesty had been withdrawn, it became highly desirable that parliament should be dismissed without any interview with the sovereign: it was felt that for the king to address both Houses, under such circumstances, would be attended with great difficulty; although it was most indecent that the Commons should not be thanked for granting to the king the largest stipend ever given to a monarch. Parliament had not been prorogued by proclamation; as, after consultation, it was finally determined that it could not be done: accordingly, as the king could not come down, and as the prorogation by proclamation could not take place, both Houses had taken upon themselves to dispense with one of the most ancient and undoubted prerogatives of the Crown—a prerogative which he, though a determined reformer, and a reformer to a great extent, would not have consented to abolish. The right hon. gentleman had once very candidly confessed in that House, that, when he composed a speech, he sat down to consider the arguments which might be used against him, and to answer them before hand. But in this sort of anticipation the right hon. gentleman was apt to exaggerate the arguments of his adversaries. In this way, the right hon. gentleman had supposed the reformers to have contended, that the House of Commons was not sufficiently powerful. This no reformer could ever say. No: the complaint was, that the people were not sufficiently powerful. The six acts, the proceedings on the Manchester business, shewed the power of the House of Commons; but what was wanted was, that in the exercise of that power they should be influenced by the will and the interests of the people. The right hon. gentleman, while he had described the power to which the House of Commons had grown up, had made it matter of praise that its constitution had not been changed. In ordinary cases of trust examination of character was required, and as that trust was increased, the necessity of scrutiny as to the persons trusted was greater. No doubt the House ought to be watched, and watched narrowly: so said the reformers, and so said the right hon. gentleman; for here he was himself a reformer. Strange, and inconsistent as it might seem, the conclusion the right hon. gentleman had drawn from these premises was, that the people were to be well satisfied, because there was no material difference between the House of Commons now and formerly. It had been dis-

puted by some, whether if a man could lift a calf, and continue to lift it every day, he would grow stronger as the calf grew heavier, so as to be able to lift it still, when it was increased to the size of an ox. What might be the right hon. gentleman's present opinion, it might not be easy to say; but, applying the moot point to the House of Commons, he must contend, that the man would not be stronger, yet nevertheless he would be able to lift the ox. The fact, however, was mistaken. The House of Commons had materially altered. The right hon. gentleman had himself asserted, that it was subject to perpetual change; and he (lord F.) begged to assign one or two reasons why, in the nature of things, it must be very much altered from its original constitution. He had been long enough in parliament to recollect, that many years ago, a member would have been called to order for talking even of a peer being concerned in an election; much more if he had said, that peers and the Crown had their representatives in that House. In this respect there had been a change. As money made wealth so power increased power; and those who once were powerful daily became more so. He had formerly seen a little book, containing the names of members, and the places they represented a century ago; and it there appeared, that boroughs were usually represented by gentlemen residing in their neighbourhood. Now, however, the members were merely the nominees of individuals, without the slightest connexion with the places they affected to represent. In this respect, also, there was a change; and certainly not for the better. He found also, that in the time of George I. there were only 178 peers, but now there were 310: and, adding the bishops and the Irish peers, 382. The progress had been in the following degrees: In 1719, there were 17[illegible] peers. In 1780 there were 183. In [illegible] there were 310. From the year 1760 to 1821, there had been no less than 209 creations. Was this no change in the constitution? He begged the House to consider how this increase applied to the question of reform. In the first place, there were taken from the choice of the people, 209 persons who might have been their champions; and those who might have been their champions, by the favour of the Crown were converted into their enemies. The enemies of the people were also increased by this operation in another way; for these peers, who before, perhaps, had represented boroughs, on retiring to the upper house of course put their nominees into their seats; and thus, besides the 209 enemies in the new peers, the people met with 209 additional opponents in their representatives in the House of Commons.

The only plea on which those who resisted reform could defend the influence of the Crown was this—that the House of Commons, in fact, governed the country—that the three estates no longer existed to any practical purpose: but that the king, the peers, and the people had their representatives here. If this were true, then it was not true, that the representatives were chosen by the people; or, if it were true, then the right hon. gentleman was even a greater democrat than the reformers, and was for nothing short of a republic. If the House of Commons were elected by the people, and it absorbed all the power of the three estates, and if the right hon. gentleman were content with that state of affairs, he was satisfied, to all intents and purposes, with nothing less than a republic. [Some symptoms of impatience were here exhibited on the ministerial benches.] He could assure the House, that he was not anxious to occupy more of its time than was necessary. What he had said might be very absurd, but it did not appear to him to be so; and until he was of that opinion, he should persevere. [Hear, hear.] The inconvenience of frequent changes was dwelt on; but it was not for frequent changes that the advocates of reform looked: at least, the most zealous and able advocate of radical reform, Mr. Jeremy Bentham, conceived, that by what he called "*annuality* of election," a greater permanence would be given to the composition of the House than was now known. Those who contended, that the Commons included the three estates, and in fact governed the nation, were the real enemies of the Crown and of the peers, and they only seemed to wish to destroy the monarchy. The king had his representatives, and the peers had theirs; and, among the former were the lords of the Admiralty and the post-masters, who were sent to counteract the few real representatives of the people. He would contend that this doctrine of the three estates being equally balanced in that House was not the fact. But, even if they were balanced here, there was a power in another place which rendered that balance useless. As an instance of this, he would

refer to the Catholic question. That question had once been carried through the House of Commons. Neither the representatives of the Crown nor the representatives of the lords in that House were able to defeat it; but, in the House of Lords, the measure was rejected. Therefore, he had a right to argue, that the people had not fair play; because it appeared, that when a popular measure was carried in the Commons House of parliament, in spite of the representatives of the other two bodies, those bodies revived, exerted all their influence, and gave a death-blow to the question in another place. Besides, it appeared that the decisions of that House were considered by his majesty's ministers as of no importance. No later than last night, the right honourable member for the University of Oxford had declared, that if an address to the Crown were carried by the unanimous voice of that House, he would not advise his majesty to act. [Hear, hear.]

With respect to this new doctrine—this doctrine of an equal balance of the constitution—this doctrine of the strength of king, lords, and commons being equally poised in that House—it was not to be found in any of the books which treated of the law and constitution of the country. It was a new *dictum*, and, he conceived, a very dangerous one. How could they tell whether that balance, supposing it to exist was or was not correctly struck? But, if it were struck accurately, it was quite evident that a very trivial matter would unsettle that balance. The creation of the slightest additional debt—the appointment of an office—the sending forth a commission—these, and a thousand other circumstances, equally trifling, would at once overthrow this vaunted balance, and overthrow it, too, without any person being aware of the fact. The right hon. gentleman, speaking of the present state of the constitution, observed, that the country was accustomed to certain inconveniences which were connected with it, and had grown out of the lapse of time and the change of circumstances. The right hon. gentleman then went on to ask, "Would you reform the constitution on new principles, or bring it back to what it was at some former period?" In his opinion, the first question was not fairly put. The question ought to be "Do you wish to establish the constitution on old principles?" Supposing the question to be put fairly, he was inclined to think that the principles contended for by most radical reformers did obtain in other days—not perhaps in form, but certainly in principle. He had very good authority for asserting this. Mr. Prynne, speaking on this subject, observed, that before the 28th of Henry VIII., when a 40*s.* freehold was declared to be the lowest qualification for a county elector, every inhabitant and commoner in a county had a right to vote at each election, whether he had 1*d.* 6*d.*, or 1*s.* a year, in the same manner as the 40*s.* freeholder had at present. So that universal suffrage, which some gentlemen were pleased to denominate "universal confusion," though he did not join in the propriety of the designation, was, it appeared, formerly allowed. Previous to the time of Henry VIII., universal suffrage did exist in the counties. The right hon. gentleman asked with respect to cities whether the election of members to represent them was ever materially different from what it was at present? Now, there were grave authorities to show, that the right of voting in cities and boroughs was formerly intrusted to a much larger body than it now was. In favour of this doctrine they had a resolution of that House, in 1626, in which it was declared, "that the elective franchise did of common right belong to all commoners, and nothing could take it from them but prescription or ancient usuage." The celebrated antiquary, Mr. Cotton, Mr. Selwyn, and chief justice Coke, agree to the interpretation put by parliament on the documents to which this resolution referred; Dr. Brady, objected to it. He denied that those learned men translated the words *communitas civitatum et burgorum* correctly; alleging, that they did not understand the meaning of the word *communitas*, which they took in too extensive a sense. This was the way Dr. Brady got out of the dispute.

The right hon. gentleman had further observed, that there could not be a pure democracy in a limited monarchy like ours, because, if there were, it would overthrow the other estates. On this point he reasoned, and he endeavoured to produce instances to prove his proposition. Now, it would be a misnomer to denominate that a democracy which was not a pure democracy. It must be either a pure democracy or no democracy at all; if not a pure democracy, it degenerated into an aristocracy or an oligarchy; and he should like to know, where the book was to be found in which it was laid down, that there

were not three estates forming the English constitution—a king, an hereditary aristocracy, and an elective democracy. The right hon. gentleman then adverted to the state of things which, in his opinion, the reformers wished to introduce; and he asked, triumphantly, was this a mere idle theory of his? To show that it was not, he referred to the difficulties into which the parliament of 1648 had plunged the country, and observed, that the proceedings of that day showed what a radical parliament would do. Let the House consider what that parliament really did. They, undoubtedly, perpetrated some atrocious acts. The attainder of the earl of Stafford and the murder of the king were amongst the number; but they also perfected many good measures. In their first session they passed an act abolishing the high court of star-chamber. [Much interruption by coughing and cries of "hear."]. Gentlemen could not suppose that he would cease in the middle of his observations. Many of the acts which this parliament passed in its first years were declared to be of such a nature that "uncorrupted posterity would reverence those by whom they were matured." If their early measures were good—so good that the people thanked the king, in the beginning, for assenting to them—the people of the present day had a right to thank that parliament for some of the measures which it adopted at its close, particularly for the navigation act. As the conduct of that parliament had been of a mixed character—as it had done some good and some bad acts—it was not fair in the right hon. gentleman to hold it up as an object for undivided blame. The right hon. gentleman had stigmatised it with a title of a "radical parliament;" but it remained to be seen how far that epithet could fairly be applied to it. With respect to the election of that parliament, he had not had an opportunity of searching the records to discover whether it was more popular than elections had usually been at that time. He had, however, no reason to suppose that it was more popular; but that, on the contrary the court party exerted themselves to procure favourable returns in different places. In one point it was most irradical; for it was the only parliament that ever affected perpetuity. They had heard of parliaments which sat for twelve, or thirteen, and even for twenty years; but this was the only one that aimed at perpetuity. They passed an act declaring that "they could not be dissolved, except by their own consent."—The noble lord then proceeded to expatiate on the mischiefs which arose from the want of a proper check on the conduct of parliament. Where such a check did not exist, parliament soon became irresponsible; and all power, without responsibility, was tyranny. This was a strong argument in favour of short parliaments. He would ask the right hon. gentleman how he could reconcile it to himself, professing as he did, that he was a friend to the whole constitution, to the privileges of the peerage, and to the rights of the people—how he could reconcile it to himself to support the present state of things, as he described them, when the House of Commons had swallowed up the power both of the King and the House of Lords? In opposing the sentiments of the right hon. gentleman, he was also opposing prejudices in which he had himself been reared, and opinions which he had formerly entertained. He conjured the House to consider the motion seriously; convinced as he was, that the people would not long put up with those sufferings and privations to which they had been exposed for a protracted period, unless parliament turned a favourable ear to their complaints.

Mr. *Duncombe* said, that the plan of Mr. Pitt went to reduce the rotten boroughs, but that great statesman had strongly deprecated annual parliaments and universal suffrage. He could never consent to hazard the fate of the country upon wild theoretic plans, and would therefore oppose the present motion.

Mr. *Wynn* rose amidst cries of "question." He said, that he should not trespass on the House at any length; but as, after a debate of five hours, not one half hour had been consumed by those who were desirous to oppose the motion, he thought it but fair that some opportunity should be allowed for the statement of their objections. He had also reasons of a more personal nature for wishing to occupy their attention, after the attack which the noble mover had thought proper to make upon him. The noble lord had said, that whether he went among Whigs, or Tories, ministers or radicals, the Grenvilles were equally the abhorrence of the country. He was not disposed to shrink from a comparison with the noble lord—he was not ashamed to stand upon his own character, but would fearlessly oppose that character to the character of

the noble lord. The noble lord could urge no pretence to the opinion and confidence of the country which he (Mr. Wynn) could not advance with equal claims. This might be called vanity; but something was due to the injured feelings of an individual who had always pursued a direct and straight-forward course. The noble lord had stated, that he (Mr. W.) and his friends, when they accepted of office, and had vacated their seats, had no constituents by whom they could be called upon to explain and justify their conduct as a condition of their re-election. To this he would reply, that he was returned by as large and respectable a body of constituents as the noble lord. After he had accepted of office, he went down to that body, and having informed them of his appointment, and explained his reasons for again demanding their suffrages, he received their unqualified approbation, and was elected without opposition. He was sorry to be obliged to obtrude any account of his personal concerns or personal conduct on the House; but every man's character was dear to himself, and the attack which had been made upon him justified him in attempting to repel insinuations which he scorned, by appealing to his parliamentary life for evidence of his political consistency. When he first obtained a seat in parliament in 1797, he was directly opposed to these who occupied the opposition benches, many of whom were the same gentlemen who now sat there. And, why was he opposed to them? Because he was convinced that, under the name of liberty, they advocated licentiousness—because he thought that, under the idea of supporting the friends of freedom, they were encouraging and strengthening the enemies of the constitution. After the party whom he then opposed agreed in the necessity of prosecuting the war against the enemies of real freedom, the differences between him and them ceased; and without changing his principles, he voted generally with them. In 1817, he found nearly the same state of things as when he first entered the House. He found the same system of combining against the constitution, the same system of secret meetings for illegal purposes, the same disposition to tumult, and the same feelings of disaffection. The gentlemen opposite maintained the same conduct on the latter as on the former occasion. He did not complain of them for supporting their own consistency; but if they were consistent in adhering to their side, he could not be called inconsistent for reverting to his former opinions. In these circumstances he found the difference between himself and the gentlemen who sat on the benches opposite growing greater and greater every day. This was particularly manifested in the different views which they entertained on the question of reform, and the necessity of the six acts of 1819, which, in his opinion, were indispensable for the salvation of the country. The noble lord had supposed the case of his (Mr. W.'s) being called to answer questions on the hustings, relative to his reasons for joining an administration which he had formerly opposed; and he thought he could satisfactorily reconcile this apparent inconsistency. He had been opposed to ministers on the question of the currency. That question had been set at rest by a measure in which ministers and the House cordially concurred. All obstacles to an union on this topic had therefore been removed. After the peace, he had been opposed to ministers on the subject of the standing army. He resisted their original estimates in 1816, because he thought they manifested the adoption of a military system—objectionable, on account of its expense, but more objectionable from the dangers with which it threatened the constitution. Such was the military establishment which he opposed in 1816; but he had since seen that military establishment reduced below any estimate which he could previously have formed. The noble lord had adverted to his votes on the proposed repeal of the salt-tax at different periods, as evidence of his inconsistency; but these likewise admitted of a satisfactory explanation. He was opposed to that tax before he accepted of office: he was so still. He thought it highly objectionable; and was of opinion that it ought to be repealed as soon as possible, consistently with the public welfare. The gentlemen opposite had many of them opposed the income tax before their friends accepted of office, and when in office they had continued and increased it. In this they were not inconsistent; neither was he in voting against the immediate repeal of the salt-tax, of which he as highly as ever disapproved. When the question came lately before the House, he was of opinion that, in the face of the pledges of parliament

to maintain a sinking fund of a certain amount, and during the progress of a great financial operation, the success of which depended on the fidelity with which parliament observed those pledges, he could not consent to the immediate surrender of so great a portion of the public revenue as this tax supplied. On the question of Catholic disabilities, he still maintained every opinion which he had ever expressed. The question was so important, the interests which it involved were so momentous, that he was willing to incur every sacrifice to accomplish the measure; and if he had been of opinion that by refusing office he could have promoted its success more than by accepting it, he would not have hesitated for a moment to adopt the former course. With these views, it was pleasing to him to reflect, that a noble marquis, whose views on this subject were similar to his own, had been placed at the head of the Irish government, and that a right hon. friend of his (Mr. Plunkett) had likewise come into office. These appointments he regarded as a pledge, that, though that great measure itself might not be immediately carried, it was only postponed; and in the mean time afforded the country a security, that the laws would be administered with impartiality, and that the privileges which the Catholics of Ireland had already obtained, would not remain a dead letter, but would be executed in their true spirit, and to their full extent. The noble lord had laid too much stress on the circumstance of some of his (Mr. W.'s) friends not having constituents, when he brought it forward as a disqualification for office. Suppose there should be a change of ministry tomorrow, and the two hon. members for Knaresborough (sir J. Mackintosh and Mr. Tierney) were promoted to office, would it be any reason against their appointment that they could not be examined by their constituents? Having said thus much in answer to the noble lord's observations respecting him and his family, he would now say a few words on the subject of the motion before the House. But he would first revert to a part of the charge against him which he had nearly forgotten. He was accused of not only accepting office himself, but of bringing in two of his friends to the board of control along with him. He could assure the House, that nothing would have given him greater pleasure than that his right hon. friend (Mr. S. Bourne) should have remained at the board; but when he had long previously resolved to resign, it surely could not be justly made the subject of charge against him (Mr. W.) that he advised the appointment of two of his friends, with whose talents and assiduity he was best acquainted.—With respect to the motion itself, he saw no advantage that could arise from it. If a hundred members for boroughs were to be taken off, the effect would be to deprive the House of some of the most useful men in it. He could not agree with those who thought that the business of that House might be done well enough by experience alone, without any assistance from knowledge. He should be very unwilling to try such experiments. It always appeared to him a great advantage that professional gentlemen, who had no parliamentary influence of their own, should have opportunities afforded them of displaying their talents in that House. He could not admit, with the noble lord, that the basis of representation was narrowed, at the same time that the population increased. The system of representation was become lately more popular. As a proof of this he might refer to the boroughs of Aylesbury, Shoreham, Cricklade, and Grampound. It always appeared to him unwise to remove existing institutions, without first providing a substitute. If this motion were agreed to, was it to be supposed that it would content the advocates for reform? No! The noble lord who spoke last had manfully declared himself the friend of annual parliaments and universal suffrage. Now, the effect of such changes would be, to alter completely the constitution of the House of Commons. He objected to the motion, on account of its general and indefinite nature. When any practical proposition was submitted to the House, he should give it his best attention but a general motion of this kind, he would always oppose.

Mr. *Robinson* presented himself to the House, and continued on his legs, amidst loud cries for Mr. Canning. He could assure the House, that he would not have interposed between its natural impatience to hear his right hon. friend, and his right hon. friend's speech, had it not been for a personal explanation. The noble lord had adverted to some expressions of his in a former debate, and had adduced them as a motive for adopting the important change which he recommended in the

system of our representation. The use thus made of his expressions made him anxious to explain them; for what he had anticipated at the time that he uttered them had actually taken place. His words had been made to bear a meaning which he never intended. He was described as an advocate for parliamentary corruption, though no one who considered the argument in which he used the perverted words could justly impute such sentiments to him. He was accused of saying, that the general diffusion of knowledge made it necessary to maintain useless places as a counterbalance to the influence which knowledge created. Now, he had said no such thing. In speaking of the influence of the Crown, he had said, that before measures were taken to reduce it, it was necessary to consider what that influence was; because offices which at one time and under certain circumstances gave an undue influence, might at another time, if destroyed, endanger the just influence of the Crown. His argument was, that in the diffusion of knowledge, an infinitely greater check on the influence of the Crown existed in our days, than in former periods of our history; and that if the House proceeded to abolish an office to decrease that influence, they were taking a false estimate of its extent. But, did he argue against the diffusion of knowledge? Good God! could he be so preposterous! No. He said, the diffusion of knowledge was a blessing; and among other reasons, because it was a check on power. He would not argue the merits of the question; but he would say to the noble lord (Folkestone), that, if he had taken time to consider of the alteration which his opinions had undergone, he (Mr. R.) knew not why he should not be allowed time to consider why he should change his opinions. The noble lord had given, as a strong reason for the measure which he had proposed, the great change which had taken place in the public mind; and he (Mr. R.) would refer to that change, as a reason why the House should pause ere it adopted any such propositions. He would allow that on this question of reform a very great change had taken place in the public mind. There was a time when many thought that there was no salvation but in annual parliaments and universal suffrage. Now, the hundreds, or thousands, or millions, who held these opinions had come down to the more temperate reform proposed by the noble lord. He thought this change on the part of the public, a conclusive reason why the House ought not to be in a hurry. A very great portion of the people had already changed their minds upon the subject; and it would be but fair to wait, in order to see whether they would not change their minds still further.

Several members then rose at the same time; but the cry for Mr. Canning was so loud and prevalent, that they gave way. Upon which,

Mr. *Canning* rose and said *:—In obeying the call which the House has done me the honour to make upon me, I should be unwilling to occupy their attention for any length of time, upon a subject with respect to which my opinions are sufficiently notorious, were it not for the pointed manner in which I have been alluded to by the noble lord Folkestone who has lately addressed them. That noble lord has challenged me either to support my old opinions by new arguments, or to abandon them. He describes himself as having been converted by my former arguments against parliamentary reform, to an opinion in favour of it: and in his own conversion to a creed which he had before rejected, he fancies himself entitled to carry me with him, and to make me a proselyte against myself. Those arguments of mine which have produced this unfortunate and unforeseen effect upon the noble lord's understanding have been long before the public; and I have no disposition to complain that the noble lord has referred to them as pointedly and particularly as if they had been uttered in the debate of this night. It was natural too, perhaps, that the noble lord, with the ardour of a convert, should flatter himself that his new-born zeal would extend to all around him: but I must beg leave to say, that the noble lord has carried his expectations a little too far, when he desires me to read my own speeches backwards; and to avow myself, if not a confirmed democrat, at least a friend to moderate reform. With the permission of the House, I will state in as few words as possible, the grounds on which I continue to hold the same opinions which I have heretofore professed; and to draw from them the same conclusion.

Never, Sir, could those opinions be ad-

* From the original edition printed for Hatchard and Son.

vanced under more favourable auspices—never could a conviction of their truth and justness be expressed with better assurance of a favourable reception than on the present occasion; when we have just been informed by the noble marquis of Tavistock in presenting a petition for parliamentary reform, that the whole body of the nobility, of the gentry, of the clergy, of the magistracy, of the leading and opulent commercial classes—in short that the great mass of the property and intelligence of the country,' is arrayed against that question. To this singular and valuable admission of the noble marquis (singular as to the opportunity chosen for declaring it, and the more valuable for that singularity) have been added others not less striking, on the part of the noble proposer of the motion. That noble lord, while contending for a change which he declares to be necessary for the salvation of the state, but which he admits to be a change serious and extensive in its nature, has acknowledged, that under the existing system the country has grown in power, in wealth, in knowledge, and in general prosperity. He has detailed accurately and laboriously the particulars of this gradual and sensible improvement; and he has further acknowledged, that in proportion to the progress of that improvement a silent moral change has been operated upon the conduct of this House—which is now, he allows, greatly more susceptible of the influence of popular feeling and of the impressions of public opinion, than it was a century ago.' Nay, he has gone farther still. He has, in anticipation of an argument which I perhaps might have used, if the noble lord had not suggested it, but which I am glad to take at his hands, expressed a doubt, or at least has shewn it to be very doubtful, whether a more implicit obsequiousness to popular opinion on the part of the House of Commons, would produce unqualified good;—avowing his own belief that if the composition of the House had been altered at the Revolution, the purposes of the Revolution would not have been accomplished; the House of Hanover would never have been seated upon the Throne. 'The composition of the House of Commons is now precisely what it was at the time of the Revolution. Whatever change there may be in its temper, is, by the noble lord's acknowledgment, towards a more ready obedience to the public opinion.' But if the House of Commons had at the time of the Revolution, been implicitly obedient to the people—in other words, if the House had been then entirely composed of members popularly elected—that great event, to which I am as willing as the noble lord to attribute the establishment of our liberties, would, according to the noble lord's declared belief, have been in all probability defeated.

Surely these admissions of the noble lord are in no small degree at variance with his motion. Surely such admissions if not ample enough of themselves to overbalance the direct arguments which the noble lord has, in the subsequent part of his speech, brought forward in the support of that motion, do at least relieve me from much of the difficulty and odium which might otherwise have belonged to an opposition to Parliamentary Reform. If I contend in behalf of the constitution of the House of Commons such as it is, I contend at least for no untried, no discredited, no confessedly pernicious establishment. I contend for a House of Commons, the spirit of which, whatever be its frame, has, without any forcible alteration, gradually, but faithfully, accommodated itself to the progressive spirit of the country; and in the frame of which, if an alteration, such as the noble lord now proposes, had been made a hundred and thirty years ago, the House of Commons of that day would, by his own confession, have been disabled from accomplishing the glorious Revolution and securing the fruits of it to their posterity.

Thus fortified, I have the less difficulty in meeting the noble lord's motion in front; in giving, at once, a plain and direct negative to the general resolution, which is the basis of his whole plan. I do not acknowledge the existence of the necessity, which by that resolution is declared to exist, for taking into consideration, with a view to alteration and amendment, the present state of the representation of the people in the House of Commons—knowing as I do, that what is in the contemplation of many persons who are calling for Reform, could not be adopted; and not knowing what may be the ideas and designs of others; feeling an equal repugnance, both from what I know and what I do not know upon this subject, to a doubtful and equivocal proposition, which would have the effect of binding this House to enter into the consideration of an endless suc-

cession of schemes for purposes altogether indefinite; I object in the very outset to the noble lord's general resolution, independently of any objection which I may feel to his particular plan.

Not, however, that the plan itself is not abundantly fertile of objections. So far as I understand it, that plan is little more than to make an addition of 100 members to this House, to be returned by the counties and larger towns; and to open the way for this augmentation, by depriving each of the smaller boroughs of one half of the elective franchise which they now enjoy. This plan the noble lord has introduced and recommended with an enumeration of names whose authority he assumes to be in favour of it. Amongst those names is that of Mr. Pitt. But the House must surely be aware that the plan brought forward by Mr. Pitt differed widely, not only in detail, but in principle, from that propounded on this occasion by the noble lord. True it is, that the object of Mr. Pitt's plan was, like that of the noble lords, to add 100 members to this House: but this object was to be attained without the forcible abolition of any existing right of election. Mr. Pitt proposed to establish a fund of 1,000,000*l.* to be applied to the *purchase* of franchises from such decayed boroughs as should be *willing* to sell them. This fund was to accumulate at compound interest, till an adequate inducement was provided for the voluntary surrender, by the proprietors, of such elective franchises as it might be thought expedient to abolish. There was throughout the whole of Mr. Pitt's plan a studious avoidance of coercion; a careful preservation of vested interests; and a fixed determination not to violate existing rights in accomplishing its object. It was hoped, that by these means every sense of injury or danger would be excluded, and that the change in view would be brought about by a gradual process, resembling the silent and insensible operation of time. Here then, I repeat it, is a difference of the most essential kind between the two propositions of Mr. Pitt and of the noble lord; a difference, not superficial, but fundamental; as complete, indeed, as the difference between concession and force, or between respect for property and spoliation. I am not, however, bound, nor at all prepared to contend for the intrinsic or absolute excellence of Mr. Pitt's plan; and still less to engage my own support to such a plan, if it were to be brought forward at the present time. But placing it in fair comparison with the noble lord's, I must entreat the House to bear in mind that Mr. Pitt never lost sight of the obligation to preserve as well as to amend; that he proposed not to enforce any reluctant surrender; nor to sacrifice any other than voluntary victims on the altar of practical improvement.

The noble lord has cited other grave authorities in favour of his projected reform. Now, I hold in my hand an extract from a work which probably will be recognised, as I read it, but the title of which I will not disclose in the first instance. Hear the opinion of an eminent writer on the right of parliament to interfere with the elective franchise.—"As to cutting away the rotten boroughs, I am as much offended as any man, at seeing so many of them under the direct influence of the Crown, or at the disposal of private persons. Yet I own I have both doubts and apprehensions in regard to the remedy you propose. I shall be charged, perhaps, with an unusual want of political intrepidity, when I honestly confess to you, that I am startled at the idea of so extensive an amputation. In the first place, I question the power *de jure* of the legislature, to disfranchise a number of boroughs, upon the general ground of improving the constitution."—"I consider it as equivalent to robbing the parties concerned of their freehold, of their birth-right. I say, that although this birth-right may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away by a general law, for any real or pretended purpose of improving the constitution."—Is it from sir Robert Filmer—is it from the works of some blind, servile, bigotted, Tory writer, that I quote the passage which I have now read? No; it is from an author whose name, indeed, I am not enabled to declare, but the shadow of whose name is inseparably connected, in our minds, with an ardent if not intemperate zeal in the cause of political freedom. It is Junius, who thus expresses his fears on the subject of interfering with the existing franchises of election, even for the purpose of effecting what he deems, with the noble lord, a beneficial change in the construction of the House of Commons.

The plan devised by Mr. Pitt, and the sentiments of this celebrated writer, equally furnish a contrast to the proposi-

tion of the noble lord; which is in effect forcibly, to take away the elective franchise from one body of the people for the purpose of giving it to another: and to inflict forfeiture without guilt and without compensation.

But, even if I, and others who think like me, could be won over to this plan, by its vaunted moderation—by the circumstance of its going only half the length of the more sweeping reform deprecated by Junius—it does much surprise me that the noble lord should imagine that such half-measures would appear satisfactory to reformers. Surely, surely, that class of persons upon whom the noble lord reckons for support, and whom he considers as having of late so greatly increased in numbers look for a very different measure of alteration, from that which seems to bound the noble lord's present intentions. How happens it, for instance, that the noble lord, notwithstanding the accuracy of research with which he has apparently studied the subject in all its parts, has omitted any mention of Burgage tenures? He cannot but know that it is against that species of election that the popular clamour has been most loudly directed. Yet, amidst all the noble lord's enumeration of rights and modes of election, of freehold and copyhold, of large towns, and small towns, and counties, and villages, the words "Burgage Tenure," have never once escaped his lips! Does the noble lord mean to take away Burgage tenure, or does he not? If he does not, I will so far most cordially join with him; but let not the noble lord, in that case, expect the support of those reformers with whom he has recently allied himself. If he intends to pursue a double or a doubtful course; if he proposes to mitigate his violation of franchise in the hands of the present holders by taking only half away, and hopes by giving only half, to propitiate the new acquirers—it may be very presumptuous in me to pronounce an opinion upon a scheme which the noble lord must no doubt have turned and viewed in every light before he made up his mind to adopt it—but I do venture to opine, that in thus endeavouring to keep terms with both parties, he will in the end satisfy neither. The one will be as little contented with what is granted to them, as the other will be reconciled to what they lose. Needs there any further argument to show that whatever may be the feasibility of other plans of reform, this of the noble lord is one which cannot possibly be useful to any purpose, because it cannot be palatable to any party?

It being plain then to demonstration that the noble lord's plan cannot succeed, the House must prepare itself, if his first resolution should be carried, to enter immediately upon the discussion of a variety of schemes; upon a concurrence of opinions in favour of any one of which, it would be vain to speculate. Plan will follow plan; all unlike each other in every respect, except in their tendency to destroy the present frame of the constitution. It is affirmed, indeed, that a great change has lately taken place in the public mind; that the sentiment in favour of reform is diffused more widely, while the violence and exaggeration of that sentiment in particular minds is much abated; that more people wish for a reform; but that there is a greater disposition to be satisfied with a moderate one:—that in proportion as a practical alteration has become more generally desired, the wild and visionary theories heretofore prevailing, have been relinquished and discountenanced. This may possibly be so; but on what ground am I to rest my belief of it? I have seen nothing in the course of the last two years, during which the noble lord on the floor (Folkstone) has been meditating on my speech at Liverpool, to lead me to think that those who two years ago entertained wild and visionary notions of reform have since relinquished them. If my speech was, as the noble lord declares, calculated only to make proselytes to the persuasion that the present House of Commons is inadequate to the discharge of its functions, and if such be in consequence the views which that noble lord has adopted, how can he entertain the notion that the small alterations proposed by the noble mover will satisfy genuine reformers? Let him be assured that he must go far deeper into democracy before he can hope to satisfy the cravings of reform; nay, without the hope of satisfying them—though the constitution may be sacrificed in the experiment.

Sir, if the House looks only to the various plans of reform which have at different times been laid upon its table, not by visionary speculatists, but by able and enlightened men, some of the ornaments of this and the other House of Parliament, how faint and flat is the noble

mover's present plan in comparison with them? Let us take for example that one of the plans which had the greatest concurrence of opinions, and the greatest weight of authority in its favour. A petition was presented to this House in 1793, which may perhaps be considered as the most advised and authentic exposition of the principles of parliamentary reform, that ever has been submitted to the consideration of this House or of the public. Those principles are developed by the petitioners, with singular clearness and force, and expressed in admirable language. It was presented in 1793, by a noble person, now one of the chief lights of the other House of Parliament, as the petition of the "Friends of the People, associated for the purpose of obtaining a Reform in Parliament." In that petition, certain distinct propositions are laid down as the basis of a reform, which, to my recollection, have never yet been disclaimed, either on the part of the petitioners, or of those who have succeeded them in the same pursuit. The petitioners complain, in the first place, that there is *not an uniform right of voting*;—secondly, that *the right of voting is in too small bodies*;—thirdly, that *many great bodies are excluded from voting*;—and, fourthly, they complain of *the protracted duration of parliaments*.* Does the noble lord believe that all these notions are forgotten? that no persons still cherish them as the only means of effecting the salvation of the country?—or, does he subscribe to them all, although he may not think this the time for pressing them upon the House?

For my part, Sir, I value the system of parliamentary representation, for that very want of uniformity which is complained of in this petition; for the variety of rights of election. I conceive, that to establish one uniform right would inevitably be, to exclude some important interests from the advantage of being represented in this House. At all events the noble lord's plan does not cure this objection. The rights of voting would remain as various after the adoption of his plan, as before; and a new variety would be added to them. Even of burgage tenures, the most obnoxious right of all, and the most indignantly reprobated by the petition of 1793, the noble lord would carefully preserve the principle—only curtailing, by one-half, its operation.

* See Parl. Hist. v. 30, p. 789.

It must be admitted that this alleged defect of variety in rights of voting, was much more directly dealt with by the hon. member for Durham (Mr. Lambton), in the last session; when he brought forward, with great ability, and with the utmost temper and moderation, his specific plan of reform.* That hon. gentleman proposed to treat the constitution of the House of Commons as a *rasa tabula*, and to reconstruct the system of representation altogether upon an uniform plan—abating without scruple every right and interest that stood in his way. His plan differed as materially from that of the noble lord, as the noble lord's differs from that of Mr. Pitt, and from the project of 1793. I do not mean to say—(I shall not be so misunderstood, I trust) that I approved therefore, of the hon. member for Durham's plan; or thought it either practicable or tolerable. Certainly, no conqueror of an invaded country ever parcelled out with a more unsparing hand, the franchises and properties of individuals and communities. But that plan had at least one merit which the noble lord's has not: it cured the alleged evil of diversified rights, and tended to produce the desired *uniformity* of representation.

Then, Sir, as to the duration of parliament. Triennial parliaments, it is averred by the petitioners of 1793, would be greatly preferable to septennial. The House would become a more express image of its constituents, by being more frequently sent back to them for election; deriving like the giant of old, fresh vigour from every fresh contact with its parent earth. But the noble lord, if I understand him rightly, admits that this particular reform would be rather an aggravation of inconveniences—other defects in the constitution remaining unchanged. Nothing indeed can be more clear than this proposition. One of the main objections to close representation, at present, is, the advantage which the member for a close borough has over one chosen by a popular election. The dissolution of parliament sends the popular representative back to a real and formidable trial at the bar of his constituents. For the representative of a close borough there is no trial at all; he sits still, and is returned without any struggle or inquiry. It is obvi-

* For a copy of Mr. Lambton's proposed Bill, see Vol. 5, App. p. ciii.

ous that the proportion of this comparative disadvantage must be aggravated by every repetition of a general election.

But further. What is the original sin of septennial parliaments? Why, that the Septennial bill was a violent measure. Granted: it was so. But this allegation, however just, applies only to one enactment of the act, not to its general policy. The violence of the Septennial act did not consist in the prolongation of the duration of parliaments *in time to come*: for to do *that*, the supreme authority of the state was undoubtedly as competent, as it was to shorten the duration of parliaments by the Triennial act, some twenty years before. The violence consisted in prolonging the duration of the *then existing* parliament—in extending to seven years, a trust confided but for three. This, and this alone, is the questionable part of that act—questionable, I mean, as to right. I will not now enquire how far the political necessities of the time justified so strong an act of power. It is quite enough, for any practical purpose, that the evil, whatever it was, is irremediable; that its effect is gone by; that the repeal of the Septennial act now cannot undo it; and that, therefore, how grave soever the charge against the framers of the act might, be for the arbitrary injustice of its immediate operation (a question, into the discussion of which I have said I will not enter), the repeal of it would have no tendency to cure the vice of that enactment which has given the Septennial act its ill name; but would only get rid of that part of it which is blameless at least, if not (as I confess I think it) beneficial in its operation. But however much the duration of parliaments may be entitled to a separate discussion, it is not to that point that the noble lord has called our attention to night. A change in the constitution of the House of Commons, is the object of the noble lord's motion.

That such a change is necessary, the noble lord asserts—and I deny. I deny altogether the existence of any such practical defect in the present constitution of this House, as requires the adoption of so fearful an experiment. The noble lord has attempted to show the necessity of such a change by enumerating certain questions on which this House has, on sundry occasions, decided against the noble mover's opinion, and against the politics and interests of that party in the state, of which the noble mover is so conspicuous an ornament. But if such considerations be sufficient to unsettle an ancient and established form of political constitution, how could any constitution—any free constitution—exist for six months? While human nature continues the same—the like divisions will arise in every free state; the like conflict of interests and opinions; the like rivalry for office; the like contention for power. A popular assembly always has been and always will be exposed to the operation of a party-feeling, arraying its elements and influencing its decisions;—in modern as in ancient times; in Great Britain, in this our day, as heretofore in Athens or in Rome. No imaginable alteration in the mode of election can eradicate this vice—if it be a vice;—or can extinguish that feeling, be it good or bad, which mixes itself largely in every debate upon the public affairs of a nation—the feeling of affection or disfavour towards the person in whose hands is the conduct of those affairs. I am not saying that this is a proper and laudable feeling: I am not contending that partiality ought to influence judgment; still less that when judgment and partiality are at variance, the latter ought, in strict duty, to preponderate. I am not affirming that in the discussion of the question —"What has been done?"—the question —"Who did it?"—ought silently to dictate or even to modify, the answer;—that the case should be nothing, and the men every thing. I say no such thing. But I do say, that while men are men, popular assemblies, get them together how you will, will be liable to such influence. I say that in discussing in a popular assembly the particular acts of a government, the consideration of the general character of that government, and the conflicting partialities which lead some men to favour it, and others to aim at its subversion, will, sometimes openly and avowedly, at other times insensibly even to the disputants themselves, control opinions and votes, and correct, or pervert (as it may be) the specific decision. I say that, for instance, in the discussion upon the Walcheren expedition, which has been more than once selected as an example of undue influence and partiality, there was notoriously another point at issue beside the specific merits of the case; and that point was—whether the then administration should or should not be dismissed from the service of their country? Never, perhaps, was the struggle pushed farther

than on that occasion; and that vote substantially decided the question "in what hands should be placed the administration of affairs." I am not saying that this was right in the particular instance—I am not saying that it is right in principle. But right or wrong, such a mode of thinking and acting, is, I am afraid, essentially in the very nature of all popular governments; and most particularly so in that of the most free.

The noble lord has himself stated that in the instance of the Revolution the parliament did wisely in setting at nought the immediate feelings of its constituents. There cannot indeed be the slightest doubt that had the nation been polled in 1688, the majority would have been found adverse to the change that was then effected in the government: but parliament, acting in its higher and larger capacity, decided for the people's interests against their prejudices. It is not true, therefore, that the House of Commons is necessarily defective, because it may not instantly respond to every impression of the people.

In the year 1811, I myself divided in a minority of about forty against an overwhelming majority, on the question relating to the depreciation of the currency. It would be idle to deny that the majority, which sturdily denied the fact of that depreciation, then spoke the sentiments of the country at large; they certainly did so; but who will now affirm that it would have been a misfortune if the then prevailing sense of the country had been less faithfully represented in the votes of this House? What a world of error and inconvenience should we have avoided, by a salutary discrepancy, at that time, between the constituent and the representative! Eight years afterwards, but unluckily after eight years' additional growth of embarrassment—in 1819, the principles which had found but about forty supporters in 1811, were adopted unanimously, first by a committee of this House, and then by this House itself. But the country was much slower in coming back from the erroneous opinions which the decision of this House in 1811 had adopted and confirmed. In 1819, as in 1811, if London and the other principal towns of the kingdom had been canvassed for an opinion, the prevailing opinion would still have been found nearly what it was in 1811. Yet is it necessary to argue that the decision of the House in 1819 against the opinion of the country, was a sounder and wiser decision than that of 1811 in conformity to it? Never then can I consider it as a true proposition that the state of the representation is deficient, because it does not *immediately* speak the apparent sense of the people—because it sometimes contradicts, and sometimes goes before it. The House, as well as the people, are liable to err; but that the House may happen to differ in opinion from the people, is no infallible mark of error. And it would, in my opinion be a base and cowardly House of Commons, unworthy of the large and liberal confidence without which it must be incompetent to the discharge of its high functions, which having, after due deliberation, adopted a great public measure, should be frightened back into an acquiescence with the temporary excitement which might exist upon that measure out of doors.

Upon another great question which I have much at heart, I mean the Roman Catholic question, I have not the slightest doubt that the House has run before the sense of the country; which is now, however, gradually coming up to us. I have no doubt that in all our early votes on this most important question, we had not the country with us; but I am equally confident that the period is rapidly advancing, when the country will be convinced that the House of Commons has acted as they ought to have done. If on such questions as these—questions before which almost all others sink into insignificance—the House of Commons have been either against, or before, the opinions of the country, the proposition that the representative system is necessarily imperfect because it does not give an *immediate* echo to the sentiments of the people, is surely not to be received without abundant qualification. On this ground, therefore, there is no foundation for the noble lord's motion; unless the free expression of an honest and conscientious opinion, when it may happen to differ from that of its constituents, be inconsistent with the duty and derogatory to the character of a representative assembly.

To return to the other noble lord (Folkestone), who has no sooner renounced his former faith and adopted a new one, than he seats himself in the confessional chair, and calls upon me for my recantation;—that noble lord has de-

sired me to explain and defend the proposition which I have heretofore laid down, that those who wish to reform the House of Commons must intend to reform it upon one of two principles:—either to construct it anew, or to bring it back to the state at which it existed at some former period. Before I consent to be thus catechised by the noble lord, I might reasonably ask him in what third sense the word reform can be understood—except that in which it is sometimes applied to a military corps; which means to disband and cashier it altogether? Short of that mode of disposing of the House of Commons (for which I presume the noble lord is not yet altogether prepared) there is, so far as I know, or can conceive (until the noble lord shall further enlighten me), no other way in which a reform can take place, than those which I have specified. Between those two modes then, I must still desire the noble lord to make his choice. If his choice be another construction—a totally new scheme of House of Commons—is it unreasonable in me that, before I pin my faith upon that of the noble convert, I desire to behold that *beau idéal*—that imaged perfection of political good by which his reason is fascinated, and which his inventive fancy has pictured to him as the standard of parliamentary purity? If the second of my proposed alternatives, be that which the noble lord prefers, the inquiry that I have then to make of him is merely historical; and surely he can be at no loss for an immediate answer to it—what is the golden era at which the House of Commons was precisely what you would have it?

Simple, however, as this latter question is, I have never yet met with the reformer, who did not endeavour to evade it. I must endeavour, therefore, to collect the best answers that I can from such partial indications of opinion as are scattered up and down among the general arguments for reform. Some theorists are fond of tracing back the constitution to the twilight times of history, where all that can be clearly discovered is, that when a parliament met, it usually set about a fortnight, granted a subsidy or two, and was forthwith dissolved. It is not to this infancy of our institutions that any one will soberly refer, for the likeness of such a House of Commons as would be competent, in the present age, to transact the business of the country and to maintain its due importance in the constitution. But, the House gradually attained a more matured existence; it has grown into a co-ordinate, and is now the preponderant element of the constitution. If the House has thus increased in power, is it, therefore, necessary that it should also become more popular in its formation? I should say—just the reverse. If it were to add to its real active governing influence, such an exclusively popular character and tone of action as would arise from the consciousness that it was the immediately deputed agent for the whole people, and the exclusive organ of their will—the House of Commons, instead of enjoying one-third part of the power of the state, would, in a little time, absorb the whole. How could the House of Lords, a mere assembly of individuals however privileged, and representing only themselves, presume to counteract the decisions of the delegates of the people? How could the Crown itself, holding its power as *I* should say, *for* the people, but deriving it altogether as others would contend, *from* the people—presume to counteract, or hesitate implicitly to obey, the supreme authority of the nation assembled within these walls?—I fear the noble lord (Folkestone) is not prepared to answer these questions. I do not presume to say, that they are unanswerable; but I affirm that, since they were propounded in my obnoxious speech at Liverpool, they have yet received no answer here or elsewhere. In truth, they admit of no other answer than one which I happen to have fallen upon within these few days, in the report of a debate on parliamentary reform which took place about thirty years ago; and for which, in the absence of any answer of his own, the noble lord will undoubtedly be very thankful. It is in these words:—"It has been said, that a House of Commons, so chosen as to be a complete representative of the people, would be too powerful for the House of Lords, and even for the king: they would abolish the one, and dismiss the other. *If* the king and the House of Lords are unnecessary and useless branches of the constitution, let them be dismissed and abolished: for the people were not made for them, but they for the people. *If*, on the contrary, the king and the House of Lords are felt and believed by the people to be not only useful but essential parts of the constitution, a House of Commons freely chosen

by and speaking the sentiments of the people, would *cherish and protect* both, within the bounds which the constitution had assigned to them*." These are reported to have been the words of a man, the lustre of whose reputation will survive through distant ages, and of whom I can never intend to speak but with feelings of respect and admiration: they are the words of Mr. Fox. That the report is accurate to a letter, I am not entitled to contend; but the substance of an argument so strikingly important, cannot have been essentially misapprehended. I quote these words with the freedom of history; not with the design of imputing blame to the speaker of them, but because they contain a frank solution (according with the frankness of his character) of the difficulty with which, in these days, I have not found any one hardy enough to grapple. So then—a House of Commons freely chosen by the people, would, it seems, "cherish and protect" the House of Lords and the Crown, so long as they respectively kept within the bounds allotted to them by the constitution. Indeed! cherish and protect!—but cherish and protect, *if* so and so:—and how, *if not* so and so?—How, if the House of Commons in its reformed character, should happen to entertain a different opinion with respect to the "bounds" to be allotted to the Crown and to the Lords, under the new constitution? What would then be substituted for cherishment and protection?—A fearful question! but a question which must be answered, and much more satisfactorily than I can anticipate, before I can consent to exchange that equality and coordination of powers among the three branches of our present constitution, in which its beauty, its strengh, its stability, and the happiness of those who live under it, consist—for a constitution in which two of those powers should confessedly depend for their separate existence on the disposition of the third to "cherish and protect" them. This new constitution might be very admirable: but it is not the constitution under which I live; it is not the constitution to which I owe allegiance; it is not the constitution which I would wish to introduce; and in order not to introduce a constitution of this nature, I must not consent to the reform of the House of Commons.

* Parliamentary History, vol. 30, p. 921.

If this House is adequate to the functions which really belong to it—which functions are, not to exercise an undivided, supreme dominion, in the name of the people, over the Crown and the other branch of the legislature—but, checking the one and balancing the other, to watch over the people's rights, and to provide especially for the people's interests: if, I say, the House is adequate to the performance of these its legitimate functions, the mode of its composition appears to me a consideration of secondary importance. I am aware that, by stating this opinion so plainly, I run the risk of exciting a cry against myself; but it is my deliberate opinion, and I am not afraid to declare it. Persons may look with a critical and microscopic eye into bodies physical or moral, until doubts arise whether it is possible for them to perform their assigned functions. Man himself is said by inspired authority to be "fearfully" as well as "wonderfully made." The study of anatomy, while it leads to the most beneficial discoveries for the detection and cure of physical disease, has yet a tendency, in some minds, rather to degrade than to exalt the opinion of human nature. It appears surprising to the contemplator of a skeleton of the human form, that the eyeless skull, the sapless bones, the assemblage of sinews and cartilages, in which intellect and volition have ceased to reside—that this piece of mechanism should constitute a creature so noble in reason, so infinite in faculties, in apprehension so like a God; a creature formed after the image of the Divinity—to whom Providence

> "Os—sublime dedit: cœlumque tueri
> "Jussit, et erectos ad sidera tollere vultus."

So, in considering too curiously the composition of this House, and the different processes through which it is composed—not those processes alone which are emphatically considered as pollution and corruption, but those also which rank among the noblest exercises of personal freedom—the canvasses, the conflicts, the controversies, and (what is inseparable from these) the vituperations, and excesses of popular election—a dissector of political constitutions might well be surprised to behold the product of such elements in an assembly—of which, whatever may be its other characteristics, no man will seriously deny that it comprehends as much of intellectual ability and of

moral integrity as was ever brought together in the civilized world. Nay, to an unlearned spectator, undertaking for the first time an anatomical examination of the House of Commons, those parts of it which, according to theory, are its beauties, must appear most particularly its stains. For while the members returned for burgage-tenure seats, or through other obscure and noiseless modes of election, pass into the House of Commons unnoticed and uncriticised, their talents unquestioned, and their reputations unassailed; — the successful candidate of a popular election often comes there loaded with the imputation of every vice and crime that could unfit a man, not only for representing any class of persons, but for mixing with them as a member of society. The first effect of a reform which should convert all elections into popular ones, would probably be, to ensure a congregation of individuals, against every one of whom a respectable minority of his constituents would have pronounced sentence of condemnation. And if it be so very hard that there are now a great number of persons who do not directly exercise the elective franchise, and who are therefore represented by persons whom others have chosen for them; — would this matter be much mended when two-fifths of the people of England should be represented not only without their choice, but against their will; not only by individuals whom they had not selected, but by those whom they had declared utterly unworthy of their confidence?

Again;—should we have no cause to lament the disfranchisement of those boroughs which are not open to popular influence? How many of the gentlemen who sit opposite to me, the rarest talents of their party, owe their seats to the existence of such boroughs? When I consider the eminent qualities which distinguish, for instance, the representatives of Knaresborough, Winchelsea, Wareham, Higham-Ferrers, I never can consent to join in the reprobation cast upon a system which fructifies in produce of so admirable a kind. No, Sir, if this House is not all that theory could wish it, I would rather rest satisfied with its present state, than by endeavouring to remedy some small defects, run the hazard of losing so much that is excellent. Old Sarum, and other boroughs, at which the finger of scorn is pointed, are not more under private patronage now than at the periods the most glorious in our history. Some of them are still in the possession of the descendants of the same patrons who held them at the period of the Revolution. Yet in spite of Old Sarum, the Revolution was accomplished, and the house of Hanover seated on the throne. In spite of Old Sarum did I say? No: rather by the aid of Old Sarum and similar boroughs; for the House has heard it admitted by the noble mover himself, that if the House of Commons of that day had been a reformed House of Commons, the benefits of the Revolution would never have been obtained.

The noble lord, in his opening speech, made some allusion to the constitutional history of ancient Rome, and called upon my hon. friend opposite (Mr. Bankes) as the most recent historian of that republic, to vouch for his facts, and for the application of them. Let me follow the noble lord into his Roman history, to ask him a single question. How was the senate of Rome composed?—I doubt whether even my hon. friend opposite can inform us. All that is certainly known on the subject is, that one and by far the most usual way of gaining admission to the senate—(this has not a very reforming sound)—was through office. Yet that senate dictated to the world, and adequately represented the majesty of the Roman people. History blazons its deeds; while antiquarianism is poring into its pedigree.

But have the defects imputed to the composition and constitution of the House of Commons increased with time? are they grown more numerous or more unsightly? I believe the contrary. I believe, Sir, that in whatever period of our history the composition and constitution of the House of Commons are examined, not only will the same alleged abuses as are now complained of be found to have prevailed; but I will venture to say, prevailed in a degree which could not be now avowed in debate without a violation of our orders. There is great difficulty in speaking on this delicate part of the subject. It has been made an article of reproach by the reformers, that the enemies of reform treat these matters with shameless indifference; that we now speak with levity of transactions the bare mention of which, according to the *dictum* of once the highest authority in this House, was calculated to make our ancestors perform certain evolutions in their graves.

Now it is very hard that the want of shame should be imputed to those who are upon the defensive side of the argument. They who attack, scruple not to advance charges of gross corruption in the grossest terms; and they who defend are reduced to the alternative either of affecting to be ignorant of the nature of those charges, or of admitting notorious facts, and accounting for or extenuating them; and if they take the latter course, they are accused of shamelessness. Be that as it may, however, it may be curious, and perhaps consolatory, to show to the moralists who are so sensitive upon these subjects, that corruption—as they call it—that (in plain words) influence in the return of members to parliament, if it be a sin, is not one for which their own generation is exclusively responsible. The taint, if it be one, is not newly acquired, but inherited through a long line of ancestors. The purge, or the cautery, may be applied to the present generation; but I can show that the original malady is at least as old as the reign of Henry 6th—a period beyond which the most retrospective antiquary will not require of us to go back in search of purity of election.

Sir, in the reign of Henry 6th the duchess of Norfolk thus instructed her agent as to the election of members for the county of Norfolk:—"Right trusty and well beloved, we greet you heartily well; and forasmuch as it is thought right necessary, for diverse causes, that *my lord have* at this time *in the parliament* such persons as *belong unto him*, and be of his *menial servants*—we heartily desire and pray you, that at the contemplation of these our letters, ye will give and apply your voice unto our right well beloved cousin and servants John Howard, and sir Roger Chamberlayn to be *knights of the shire*. Framlingham Castle, this 8th day of June, 1455."

What follows probably related to the same election; it is addressed (by lord Oxenford) to the same individual as the preceding extract. "My lord of Norfolk met with my lord of York at Bury on Thursday, and there [they] were together till Friday, nine of the clock, and then they departed; and there a gentleman of my lord of York took unto a yeoman of mine, John Deye, a token and a sedell (schedule) of my lord's intent, *whom he would have knights of the shire*, and I send you a sedell inclosed of their names in this letter; wherefore methinketh it [were] well done to *perform my lord's intent*.*

The next extract which I shall read to the House is of seventeen years later date than the preceding ones. It is from a letter addressed by one of the duchess of Norfolk's household, to the bailiff of the borough of Maldon; and is dated in the year 1472, the 11th of Edward 4th: "It were necessary for *my lady* and you all (her servants and tenants) *to have in this parliament* as for *one of the burgesses* of the town of Maldon, such a man of worship and of wit as *were towards my said lady*; and also such one as is in favour of the king and of the lords of his council nigh about his person; certifying you, that my lady for her part, and such as be of her council, be most agreeable that all such as be her farmers and tenants and well-willers, should give your voice to a worshipful knight and one of my lady's council, sir John Paston, which stands greatly in favour with my lord Chamberlain; and what my said lord chamberlain may do with the king, and with all the lords of England, I trow it be not unknown to you."†

It appears from the following letter that the said member-elect for the borough of Maldon, sir John Paston, (to whom it is addressed) had expected to be nominated a knight of the shire; but that his patrons had ordered it otherwise;—"My lord of Norfolk and my lord of Suffolk *were agreed*, more than a fortnight ago, *to have* sir Robert Wyngfield, and sir Richard Harcourt; and that knew I not till Friday last past. I had sent, ere I went to Framlingham, to warn as many of your friends to be at Norwich as this Monday, to serve your interest, as I could; but when I came to Framlingham, and *knew the appointment that was taken* for the two knights, I sent warning again to as many as I might, to tarry at home; and yet there came to Norwich this day as many as their costs drew to 9*s.* 1½*d.* paid and reckoned by Peacock and Capron, and yet they did but break their fasts and departed."—"If ye miss to be burgess of Maldon, and my lord Chamberlain will, ye may be in another place; there be a dozen towns in England, that choose no Burgess, which ought to do it,"—(this will surely propitiate the reformers):—"ye may be set in for one of these towns,

* Paston Letters, v. I. pp. 97, 99.
† Paston Letters, Vol. 2. p. 99.

an if ye be befriended."*—Such was reform in those days!

In the reign of queen Elizabeth, the era to which, habitually and almost instinctively, the mind of Englishmen recurs for every thing that is glorious, I could shew the House, that the earl of Essex, her mighty favourite, dictated without scruple or reserve the returns to parliament, not only for the county of Stafford, but for every borough in the county. Unluckily I have not the documents at hand; but I can aver it on the most unquestionable authority.†

Passing over the reign of James 1st and his unfortunate successor,—and not dwelling upon the cavalier treatment which Cromwell bestowed upon his own purified and reformed House of Commons, I come to the reign of Charles 2nd; where I find, not amid scarce manuscripts and treasures of ancient lore, but published, in a hundred popular books, in sketches of biography and lessons for youth, the famous letter of that most famous woman Ann countess of Pembroke; who, amongst her other great titles and possessions, was undoubted patroness of the then, I presume, free and independent borough of Appleby. This great lady writes thus to sir Joseph Williamson, secretary of state to Charles 2nd, in answer to his suggestion of a member for the borough of Appleby. "I have been bullied by an usurper; I have been ill treated by a court; but I won't be dictated to by a subject; your man sha'nt stand.—Anne Countess of Dorset, Pembroke, and Montgomery."

Now, Sir, I should be curious to know *which* generation of our ancestors it is, that the exercise of political influence in the

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* Ibid v. 2. p. 135.

† Among the documents alluded to in this passage are the following letters from Robert Devereux, earl of Essex, to Richard Bagot, esq. high sheriff of the county of Stafford; of which the originals are in the possession of lord Bagot.

1. *Robert Devereux, Earl of Essex, to Richard Bagot, Esq.*—"After my verie hartie comendacions; I cannot write severall letters to all those that have interests in the choyse of the knights of the shere, to be apoynted for the parliament intended to be held verie shortlie. To which place I do exceedingly desire that my verie good friend, sir Christofer Blount may be elected.—I do therefore comend the matter to your friendlie sollicitacons; praying you to move the gentlemen, my good friends, and yours in that countie; *particularly in my name*, that they will give their voice with him *for my sake*; assuring them, that as they shall do it for one whome I hold deare, and whose sufficiencie for the place is well known to them; so, I will most thankfullie deserve towards them and yourselves any travell, favour, or kindeness, that shall be showed therein. Thus I commit you to God's good protection. From Hampton Court, the 2nd of January, 1592." "ESSEX."

"I persuade myself that my creditt is so good with my countrymen, *as the using my name, in so small a matter, will be enough to effect it*: But I pray you use me so kindlie in that as I have no repulse."

2. *From the same to the same.*—"After my verie hartie comendacions. As I have by my late letters comended unto you sir Christofer Blount to be elected *one of the knights of that shire* for the parliament to be holden verie shortlie, by your friendlie mediacion; so I do with no less earnestness intreate your like favoure towards my very good frend sir Thomas Sherrard, *for the other place*; praying you that you will employe your creditte, and *use my name* to all my good frends and yours, there, that they will stand faste to me in this requeste, and that my desire may be effected for them. They cannot give me better testimonie of their love and affection, because they are both such as I hold deare, and you may assure all such, as shall join with you in election that I will most thankfullie requite their readines, and furtherance them by any good office I can. So I comitte you to God's best protection; from Hampton Court, the 9th of January, 1592." "Your assured Friend," "ESSEX."

"I should think my credite little in my owne countrie, if it should not afford *so small a matter as this*. Expessalie the men being so fitt. Therefore I commend you all *(as I have interest in your labours)* effectuallie in it."

3. *From the same to the same.*—"After my verie hartie comendacions. I have written severall letters to Lichfield, Stafford, Tamworth, and Newcastle, for the *nomination and election* of certain burgesses of the parliament to be held verie shortlie. *I have named unto them*, for Lichfield, sir John Wyngfield and Mr. Boughton. For Stafford, *my kinsman* Henrie Bourgher *and my servant* Edward Reynolds. For Tamworth *my servant* Thomas Smith. For Newcastle Dr. James. Whome because I do greatlie desire to be preferred to the said places, I do earnestlie pray your furtherance, by the creditt which you have in those towns. Assuring them of my thankfulness if they shall, *for my sake*, gratifie those whom I have comended; and yourself that I will not be unmyndful of your curtesie therein. So I commit you to God's good protection. From Hampton-Court, the last of December, 1592. Your assured friend," "ESSEX."

"I send unto you the severall letters, which I praye you cause to be delivered according to their directions."

elections of the present day, so lamentably disquiets in their graves. Is it the cotemporaries of the duchess of Norfolk, and of the worthy electors of Maldon, who were to be careful to choose members so properly "towards" my lady?—or those who tasted the sweets of uninfluenced election under queen Elizabeth?—or those who contemplated with equal admiration the countess of Pembroke's defence of her castles against the forces of the usurper, and of her good borough of Appleby against secretary Williamson's nominee? Pity it is that the noble lord (Folkstone), the convert to reform, did not live in the days of one or other of these heroines! Their example could hardly have failed to reconvert him to his original native sentiments upon the subject of influence in elections and the fit constitution of a House of Commons.

But I have not yet done with my list of patronesses: nor has interference in elections, and female interference too, been coupled with no great name in the unquestioned good times of the constitution. The noble lord who made this motion will pardon me for referring him to the published letters of his great ancestress, the lady Russell; in which he will find the lord steward (the duke of Shrewsbury), and lord keeper Somers—tendering to her, for her son lord Tavistock, then a minor, the representation of the county of Middlesex, upon the single condition that lord Tavistock would consent but to show himself to the electors for one day under the name of lord Russell.* The offer was not accepted on account, so far as appears, of lord Tavistock's minority; though instances are adduced by the makers of the proposition to convince her ladyship that *that* need not be an objection. But what would be said now-a-days—and what would be the agitation of our buried ancestors—if a lord chancellor and a lord steward were to concur in offering a seat in parliament for a county to some young nobleman yet under age?†

Now here let me guard myself against misrepresentation. It must not be imputed to me that I am saying that all this was *right*: I am only saying that all this was *so*. I have been dealing (be it observed) with the second of my two questions:—not with the question, whether the House of Commons should be reconstructed?—but with the question whether it should be recalled to some state in which it formerly stood? I have been endeavouring to dispel the idle superstition that there once existed in this country a House of Commons, in the construction of which the faults that are attributed to the present House of Commons, and attributed to it as a motive for inflicting upon itself its own destruction, did not equally exist: and not only exist equally, but exist in wider extent and more undisguised enormity. I have been shewing that if the present House of Commons is to be destroyed for these faults, it has earned that fate not by degeneracy, but by imitation; that it would in such case expiate the misdeeds of its predecessors, instead of suffering for any that are peculiarly its own. I have been endeavouring to prove, that of the two options—"do you mean to restore?—or to construct anew?"—no reformer who has carefully examined the subject, can in sincerity answer otherwise than "to construct anew:"—for that to restore the times of purity of election—that is, of election free from the influence, and a preponderating influence too, of property, rank, station, and power, natural or acquired—would be, to restore a state of things of which we can find no prototype, and to revert to times which in truth have never been.

That the proposition "to construct anew" is the much more formidable proposition of the two, is tacitly admitted by the very unwillingness which is shewn on all occasions to acknowledge it as the object of any motion for reform. Yet to *that* must the reformers come. To that, I venture to tell the noble lord—he, with

* "At the general election which took place in October, 1695, it was proposed to her in the most flattering manner, by order of the duke of Shrewsbury, then lord steward, and the lord keeper Somers, to bring her son into parliament as member for the county of Middlesex."——"Life of Lady Russell," 8vo. p. 120.

† "It is to be remarked that in those early days of our renovated constitution, the objection of lord Tavistock's age was considered merely in relation to himself, and as no obstacle to the success of his election. Mr. Montague, in his letter to the duke of Bedford, to obviate any scruple in the duke's mind, mentions that lord Godolphin's son was to be chosen in Cornwall, and lord Leicester's in Kent, who were neither of them older than lord Tavistock: and Mr. Owen, in a letter to lady Russell, tells her the duke of Albemarle's son had been allowed to sit in parliament under age." Ibid, p. 123.

all his caution and all his desire to avoid extravagance and exaggeration, must come; if he consents to reform *on principle*. By reforming "on principle," I mean, reforming with a view not simply to the redress of any partial, practical grievance, but generally to theoretical improvement. I may add that even "on principle" his endeavours to reform will be utterly vain, if he insists upon the exclusion of influence, as an indispensable quality of his reformed constitution. Not in this country only, but in every country in which a popular elective assembly has formed part of the government, to exclude such influence from the elections, has been a task either not attempted, or attempted to no purpose. While we dam up one source of influence a dozen others will open; in proportion as the progress of civilization, the extension of commerce, and a hundred other circumstances better understood than defined, contribute to shift and change, in their relative proportions, the prevailing interests of society. Whether the House of Commons in its present shape does not practically, though silently, accommodate itself to such changes, with a pliancy almost as faithful as the nicest artifice could contrive, is, in my opinion, I confess, a much more important consideration, than whether the component parts of the House might be arranged with neater symmetry, or distributed in more scientific proportions.

But am I, therefore, hostile to the reformation of any proved cases of abuse, or to the punishment of mal-practices by which the existing rights of election are occasionally violated? No such thing. When any such cases are pointed out and proved, far be it from me to wish that they should be passed over with impunity. When the noble mover himself brought forward, two years ago, a bill for transferring to other constituents, the right of election of a borough in which gross corruption had been practised, he began, as I thought and think, in the right course. When he proposed the disfranchisement of Grampound, I gave him my support; and if other cases of the same description occurred, I should be ready to do so again. That, Sir, is the true way of reforming the House of Commons: by adding strength to the representation where we can do so certainly and definitely, and without incurring a risk of evils greater than those we cure. In the principle of that proposition of the noble lord I concurred: and if I curred with those who suggested the substitution of the county of York for the town of Leeds, as the recipient of the franchise to be detached from Grampound. —I did so, not because I was apprehensive that Leeds would abuse the privilege; but because for the last forty years the want of a greater number of members for the county of York had been the standing grievance complained of in every petition for reform. "Shall the great county of York have no more members than the little county of Rutland?"—is the language of the petition of 1793. "Shall so great, and populous, and manufacturing a county, be no more numerously represented in the House of Commons than the borough of Shoreham, or Cricklade, or Midhurst, or finally than Old Sarum?"—are the apostrophes which have added zest to every debate, and a sting to every petition, from the year 1780 to the present day. Well! here was an opportunity of meeting this master-argument, and quieting for ever the perturbed solicitude for Yorkshire representation. I thought, therefore, that it would be a pity to lose such an opportunity;—the House fortunately was of the same opinion;—and lo! the grievance of grievances, the subject of forty years' clamour, is redressed. But, to be quite ingenuous, I will own that I was not without expectation that when the reformers had gained this point, they would find out that they had not gotten exactly what they wanted. So indeed it has happened. Since the bill passed, I have heard of no congratulations on the event; but I have heard of much regret, and of many fears lest great inconvenience should result from the measure to the county of York itself. This, to be sure, would be exceedingly to be deplored: and to remedy so unlucky a result of the first effort at reform, I understand that it is now in contemplation to bring in a bill for the purpose of dividing the county into two parts; assigning to one the old and to the other the new representation.—We shall see how this expedient will be relished. For my own part, I apprehend that every true Yorkshireman will object to it as a sort of converse of the judgment of Solomon; and that the two old members especially, will rush forward and implore that their ancient parent may be permitted to survive whole and unmutilated. In that case, I shall unquestionably

oin them in the vote for keeping Yorkshire in undivided magnitude, with its augmented representation; affording, as it will do in that state, a conclusive reply to near half a century of remonstrances and lamentations.

I do not recollect in the speech of the noble mover any other topic on which I feel it necessary to remark; having already I think touched upon all the main principles, if not upon all the details and illustrations of his motion; and having, I am well aware, trespassed largely upon the indulgence of the House. A few words more upon the more general topics, which belong to this debate; and I have done. It is asked over and over again whether the House of Commons ought not to sympathize with the people? I answer, undoubtedly yes; and so the House of Commons at present does, finally and in the result. But I also maintain that this House does not betray its trust, if on points of gravity and difficulty, of deep and of lasting importance, it exercises a wary and independent discretion;—even though a momentary misunderstanding between the people and the House, should be created by such difference in opinion with the people. I do not believe that the change proposed by the noble lord would infuse into the House of Commons a more wholesome spirit. I do not believe that, to increase the power of the people, or rather to bring that power into more direct, immediate, and incessant operation upon the House,—(whether such effect should be produced by rendering elections more popular, or by shortening the duration of parliaments, or by both,)—I do not believe, I say, that this change would enable the House to discharge its functions more usefully than it discharges them at present. With respect to the plan of universal suffrage and annual parliaments, it seems to be pretty generally agreed, that it would deprive the government of all consistence and stability. Most of the advocates for reform disclaim these doctrines and resent the imputation of them. I am glad of it. But I confess myself at a loss to understand how *any* extension of suffrage *on principle*, how *any* shortening of parliaments *on principle*, can be adopted without opening the whole scope of that plan: and I confess myself not provided with any argument satisfactory to my own mind, by which, after conceding these alterations *in principle* I could hope to control them *in degree*. I am still more at a loss to conceive, in what way such partial concession could tend either to reconcile to the frame of the House of Commons those who are discontented with it as it at present stands, or to enable parliament to watch more effectually over the freedom, the happiness, and the political importance of the country.

Dreading therefore, the danger of total, and seeing the difficulties as well as the unprofitableness of partial alteration, I object to this first step towards a change in the constitution of the House of Commons. There are wild theories abroad. I am not disposed to impute an ill motive to any man who entertains them. I will believe such a man to be as sincere in his conviction of the possibility of realizing his notions of change without risking the tranquillity of the country, as I am sincere in my belief of their impracticability, and of the tremendous danger of attempting to carry them into effect. But for the sake of the world as well as for our own safety, let us be cautious and firm. Other nations, excited by the example of the liberty which this country has long possessed, have attempted to copy our constitution; and some of them have shot beyond it in the fierceness of their pursuit. I grudge not to other nations, that share of liberty which they may acquire: in the name of God, let them enjoy it! But let us warn them that they lose not the object of their desire by the very eagerness with which they attempt to grasp it. Inheritors and conservators of national freedom, let us, while others are seeking it in restlessness and trouble, be a steady and shining light to guide their course, not a wandering meteor to bewilder and mislead them.

Let it not be thought that this is an unfriendly or disheartening counsel to those who are either struggling under the pressure of harsh government, or exulting in the novelty of sudden emancipation. It is addressed much rather to those who, though cradled and educated amidst the sober blessings of the British constitution, pant for other schemes of liberty than those which that constitution sanctions, other than are compatible with a just equality of civil rights, or with the necessary restraints of social obligation;—of some of whom it may be said, in the language which Dryden puts into the mouth of one of the most extravagant of his

heroes, that,

"They would be free as nature first made man,
"Ere the base laws of servitude began,
"When wild in woods the noble savage ran."

Noble and swelling sentiments! but such as cannot be reduced into practice. Grand ideas! but which must be qualified and adjusted by a compromise between the aspirings of individuals, and a due concern for the general tranquillity; must be subdued and chastened by reason and experience, before they can be directed to any useful end! A search after abstract perfection in government, may produce, in generous minds, an enterprise and enthusiasm to be recorded by the historian and to be celebrated by the poet: but such perfection is not an object of reasonable pursuit, because it is not one of possible attainment: And never yet did a passionate struggle after an absolutely unattainable object fail to be productive of misery to an individual, of madness and confusion to a people. As the inhabitants of those burning climates, which lie beneath a tropical sun, sigh for the coolness of the mountain and the grove; so (all history instructs us,) do nations which have basked for a time in the torrent blaze of an unmitigated liberty, too often call upon the shades of despotism, even of military despotism, to cover them,

— "O Quis me gelidis in vallibus Hæmi
"Sistat, et ingenti ramorum protegat umbrâ!"

a protection which blights while it shelters; which dwarfs the intellect, and stunts the energies of man, but to which a wearied nation willingly resorts from intolerable heats and from perpetual danger of convulsion.

Our lot is happily cast in the temperate zone of freedom: the clime best suited to the developement of the moral qualities of the human race; to the cultivation of their faculties, and to the security as well as the improvement of their virtues: a clime not exempt indeed from variations of the elements, but variations which purify while they agitate the atmosphere that we breathe. Let us be sensible of the advantages which it is our happiness to enjoy. Let us guard with pious gratitude the flame of genuine liberty, that fire from heaven, of which our constitution is the holy depository; —and let us not, for the chance of rendering it more intense and more radiant, impair its purity or hazard its extinction!

The noble lord is entitled to the acknowledgments of the House, for the candid, able, and ingenuous manner in which he has brought forward his motion. If, in the remarks which I have made upon it, there has been any thing which has borne the appearance of disrespect to him, I hope he will acquit me of having so intended it. That the noble lord will carry his motion this evening, I have no fear; but with the talents which he has shewn himself to possess, and with (I sincerely hope) a long and brilliant career of parliamentary distinction before him, he will, no doubt, renew his efforts hereafter. Although I presume not to expect that he will give any weight to observations or warnings of mine, yet on this, probably the last, opportunity which I shall have, of raising my voice on the question of parliamentary reform, while I conjure the House to pause before it consents to adopt the proposition of the noble lord— I cannot help conjuring the noble lord himself, to pause before he again presses it upon the country. If, however, he shall persevere—and if his perseverance shall be successful—and if the results of that success shall be such as I cannot help apprehending—his be the triumph to have precipitated those results—be mine the consolation that to the utmost, and the latest of my power, I have opposed them. [Loud cheers.]

Mr. *Denman* observed, that the whole of the right hon. gentleman's argument was founded in fallacy. He assumed that a quotation from a speech of Mr. Fox was correct, although it was most likely the reverse; and, upon that, he founded an argument against the expediency of a reformed House of Commons. After quoting several papers of rather ancient date, he at last brought some bombastic lines of Dryden to bear against the reformers. The hon. and learned gentleman then commented upon the observations which the right hon. gentleman had made upon the subject of the sympathy which existed between the House of Commons and the people, and contended, that the general conduct of the House was opposed to the wishes of the people. The right hon. gentleman had himself furnished some proofs of this; and he could produce another in the case of the late queen. He did not think that the House should blindly obey the wishes of the people, whether they were proper or not; but, in such a case as that to which he had last referred, when not only

the whole mass of the people in this country, but the whole of Europe, were unanimous in condemning the proceedings which were instituted against her majesty, not to pay some deference to the wishes of their constituents, betrayed, on the part of the House, a contempt for public opinion which never ought to be exhibited in a free state. Dear as the emancipation of the Catholics was to every one who valued civil and religious liberty, he would not have it carried without the concurrence of the people. He believed the people approved of it. They ought not to dictate changes to that House; but the House ought to regard their disposition and temper. The judgment formed by posterity of the conduct of the House ought to be considered, and not the bias manifested by contemporaries. Let them now reflect what decision was irrevocably passed upon the measures of the House of Commons in former periods—upon the measures of those

"Quorum Flaminia tegitur cinis, atque Latina."

what was now the settled judgment formed upon that most important question the American war? The House had then addressed the Crown by a large majority; and from some strange change, on which it would be now vain to speculate, they went up soon afterwards with an address of quite a contrary description. The present time confirmed the judgment of the opposition, and condemned the base acquiescence of the majority in every instance. But, the moral evil of the present system, independently of its effects, was itself quite dreadful. Could any thing be more disgusting than the shuffling answers, and the suspicious silence, of persons brought to their bar charged with corruption at elections? He knew not if human nature ever appeared baser than when persons stood at their bar with a knowledge of facts which it was their whole study to conceal by prevarication. Another view of human nature was indeed still lower—it was that presented by the members of that House who had been the means of all this corruption and perjury, and who sat wishing success to the most loathsome falsehoods. Was it not a dreadful evil to see persons sent to gaol for what they were compelled, and properly compelled, to declare before the committees? This foul and disgusting disease was no anatomical nicety. If the examinations before their committees were generally distributed and understood, the country would be still louder in demanding reform. If the evil were latent, it might be imprudent to reveal it; but that question was no longer open to doubt or cavil. The right hon. gentleman had ingeniously put it to the advocates of reform, to refer to the period when the representation had been such as they would now have it. Suppose there had been no such period, were they therefore precluded from reforming a flagrant and intolerable abuse? This question was not asked when a bill was brought in to reform any other abuse. The people of England had a right to be fairly, fully, and freely represented. Was it not a grievance to be remedied, that, in a season of distress, when hunger stimulated to sedition, the people should be left a prey to any demagogue who could point to the state of the representation, and the character of that House? It was, too, a most pernicious evil, both in a moral and political point of view, to see a species of consecration given to sacrifice of principle, dereliction of character, and venal barter of opinions. Corruption thus

"Mounts the tribunal, lifts her scarlet head,
"And sees pale Virtue carted in her stead."

What was that influence, which they heard openly avowed and defended, but, in plain, homely, intelligible language, that members of that House should be bribed by the possession of places to vote contrary to justice and public policy? The Cash Resumption bill of 1819 had been referred to. Let them refer to the imposition of new taxes in 1819, and say whether that was an act of wisdom for the interests of the people. But, the great evil was the preservation of useless places to enable gentlemen to vote against the people. It might be said that they approved of the measures which they supported; but if they did, it was an insult to say that they must be paid for supporting what they approved of. There was a degree of absurdity in gentlemen passing from one side to the other, and talking of purity of motives, as the right hon. gentleman who had spoken for himself had done. The disfranchisement of boroughs, as recommended by the right hon. gentleman, would never apply to the representatives of peers. The corruption of the House did, in fact, dispense with the exercise of the other two branches of the legislature, on the very ground of the

right hon. gentleman. That House was become the influenced organ of every act of government, without the confidence of the public, and even without the respect of government; for a right hon. gentleman had told them last night, that he would set at naught the unanimous vote of that body. He was ashamed to have occupied so much of their time; but he could not refrain from offering a few observations in support of a motion which had his most hearty concurrence.

Mr. *Peel* merely rose to take some notice of an allusion which had been twice made, to an observation which had fallen from him last night. He did not rise to explain away or retract, but to repeat and uphold what he said with reference to the case of Mr. Hunt. He informed the House last night, that he had advised the Crown not to exercise what he considered the peculiar, exclusive, and almost sacred prerogative of mercy, in the case of Mr. Hunt. He had declared, at the same time, that if the House should determine unanimously to address the Crown in behalf of Mr. Hunt, he would not be the instrument for carrying such a recommendation into effect. This sentiment he now repeated. He did not use it as a menace. He felt himself called upon to make that declaration, from a conscientious conviction as to the merits of the case; and he should consider himself unworthy of the place he held, if any circumstances could induce him to become the instrument of carrying into effect a purpose which he felt to be inconsistent with his conscientious sense of duty.

After a short reply, the House divided: Ayes, 164; Noes, 269.

List of the Minority.

Abercromby, hon. J.
Althorp, visct.
Anson, sir G.
Anson, hon. G.
Beaumont, T. W.
Barnard, visct.
Barrett, S. M.
Becher, W. W.
Bennet, hon. H. G.
Benyon, B.
Bernal, R.
Birch, J.
Brougham, H.
Burdett, sir F.
Bury, visct.
Byng, G.
Boughey, sir J. F.
Benett, J.
Belgrave, visct.
Buxton, T. F.
Boughton, sir W. E. R.
Bentinck, lord W.
Calvert, C.
Chaloner, R.
Calcraft, John
Campbell, W. F.
Chamberlayne, W.
Carew, R. S.
Carter, John
Cavendish, H.
Cavendish, C.
Clifton, viscount
Coffin, sir I.
Coke, T. W.
Colborne, N. R.
Concannon, L.
Crespigny, sir W. De
Crompton, S.
Curwen, J. C.
Creevey, T.
Calthorpe, hon. F.
Calvert, N.
Davies, T. H.
Denison, W. J.
Denman, Thos.
Duncannon, visct.
Dundas, hon. T.
Dundas, C.
Dickinson, W.
Ebrington, visct.
Ellice, E.
Evans, W.
Ellis, hon. G. Agar
Fergusson, sir R. C.
Foley, J. H. H.
Frankland, R.
Grattan, J.
Graham, S.
Grant, J. P.
Griffith, J. W.
Guise, sir W.
Gurney, R. H.
Gaskell, B.
Haldimand, W.
Hamilton, lord A.
Heathcote, sir G.
Heathcote, G. J.
Heron, sir Robt.
Hill, lord A.
Hobhouse, J. C.
Hornby, E.
Hughes, W. L.
Hume, J.
Hurst, R.
James, W.
Johnson, col.
Jervoise, G. P.
Kennedy, T. F.
Lamb, hon. G.
Lambton, J. G.
Latouche, R.
Lemon, sir W.
Lennard, T. B.
Lloyd, sir E.
Leycester, R.
Lawley, F.
Langston, J. H.
Lester, B. L.
Lushington, S.
Marryat, Joseph
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Martin, J.
Maule, hon. W.
Maxwell, J. W.
Milbank, M.
Milton, visct.
Monck, J. B.
Moore, P.
Marjoribanks, S.
Normanby, visct.
Newman, R. W.
Newport, rt. hon. sir J.
Nugent, lord
O'Callaghan, J.
Ord, W.
Osborne, lord F.
Ossulston, lord
Palmer, col.
Palmer, C. F.
Pares, Thos.
Pierce, H.
Pelham, hon. C. A.
Philips, G.
Philips, G. R.
Power, R.
Powlett, hon. W.
Prittie, hon. F. A.
Pryse, P.
Pym, F.
Ramsay, sir A.
Ramsden, J. C.
Ricardo, D.
Ridley, sir M. W.
Robarts, Geo.
Robarts, A. W.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Russell, R. G.
Rice, T. S.
Rickford, W.
Ramsbottom, J.
Smith, W.
Smith, hon. R.
Smith, J.
Scarlett, J.
Scudamore, R.
Sefton, earl of
Scott, J.
Stanley, lord
Stewart, W. (Tyrone)
Stuart, lord W.
Sykes, D.
Sebright, sir J.
Tavistock, marquis of
Talbot, R. W.
Tierney, rt. hon. G.
Tennyson, C.
Titchfield, marq.
Townshend, lord C.
Taylor, C.
Warre, J. A.
Webbe, E.
White, Luke
Whitbread, S. C.
Williams, sir R.
Wilson, sir R.
Wood, alderman
Wyvil, M.
Wilberforce, W.
Whitmore, W. W.
Williams, W.

TELLERS.

Russell, lord John
Folkestone, visct.

PAIRED OFF.

Baring, sir T.
Cavendish, lord G.
Hutchinson, C. H.

Markham, J. | Wilkins, W.
Mostyn, sir T. | Western, C. C.
Taylor, M. A.

HOUSE OF LORDS.

Monday, April 29.

Scarcity of Provisions in Ireland.] The Earl of *Darnley* expressed his surprise that no proposition had yet been submitted to the House respecting the state of Ireland. He did not now mean to enter into any discussion on the moral or political state of that country, but he thought himself bound to notice the great distress which, according to the best information, prevailed throughout Ireland. The noble earl opposite must be aware that there was an increasing distress in that country from the actual want of provisions. His object in mentioning this lamentable state of things was, to learn from the noble earl whether the attention of government had been called to the distress prevailing in Ireland, and whether any measures of relief had been adopted.

The Earl of *Liverpool* said, he had no hesitation in stating, that government had received information that distress for the want of provisions was great in some parts of Ireland. The subject, however, had not been overlooked by government, and measures, conformable to precedents established on former occasions and found sufficient, had been resorted to. With regard to the general question of relief in such cases, he must say, that nothing, except in extreme cases, could be more improper than the interference of government with the subsistence of the country. Such interference was far more likely to cause famine, than to give relief in times of difficulty. What ought to be done by the government with respect to the whole country might be illustrated by the reply made to a foreigner who expressed his surprise that so great a city as London should be so well supplied without any regulations. He was answered, that the reason of its being so well supplied, was precisely because there were no regulations for that purpose. The course to be followed in the present case was the same which had been adopted on former occasions. He appealed to the noble peers who had lately returned from Ireland, whether they were not satisfied, that whatever could be done to relieve the present distress, would be done, and was doing?

HOUSE OF COMMONS.

Monday, April 29.

Agricultural Distress.] Mr. *Gooch* presented a petition from several considerable land owners in Suffolk, complaining of agricultural distress. The petitioners prayed, that such a reduction of public expenditure might be effected as would justify a further reduction of taxation; but they expressed an apprehension, that no immediate relief could be derived from that source. He viewed with great dismay the distressed state of the agriculturists. A remission of taxation he knew would assist them; and as far as a reduction of establishment could enable that to be done, he would do it. He had felt it his duty to move in the last session, that some notice should be taken of the numerous agricultural petitions on the table of the House. In the committee which was appointed, he was nominated chairman, and he would not flinch from any of the responsibility that might attach to him on that account. It had been thought proper that that committee should be re-appointed this year; but he was sorry to say, that their report contained nothing satisfactory to the country. It proposed no measures calculated to afford immediate adequate relief. It should, however, be borne in mind how difficult it was to discover any such remedy for the present evils. The markets were glutted to the extreme, and corn must either be removed from the market, or more money must be brought into it for that purpose. A prohibitory duty on the importation of corn was what would be most beneficial to the farmer. When the ports were opened in 1820, by means of a fraud, 700,000 quarters of oats were admitted; and with an average consumption of 30,000,000 a-year, it was surprising the effect which that importation had in lowering the prices. He agreed in the system of duties, but not as to the *quantum*: the duties recommended by the report were not sufficient. This country could not maintain her station in Europe if its agriculture were allowed to sink. The petitioners, amongst other remedies, prayed for a reform in parliament. In this he did not agree with them, being satisfied that reform would not put one shilling into the pocket of the farmer.

Mr. *Hume* observed, that this was not the first time that the hon. member had expressed his anxiety to relieve the dis-

tress of the agriculturist. But in the numerous motions which had been made for the remission of taxes, and the reduction of expenditure, he did not recollect having had the pleasure of having the hon. member in the minority. What was the use, then, of presenting petitions of this kind, and talking about raising the price of corn, if he would not assist in lowering and abolisking useless establishments, in order to effect that which he acknowledged to be the only remedy? The only way to relieve the country was, to reduce the price of production, and to export the surplus corn to other countries. Up to the year 1760 or 1770, this was an exporting country. He hoped the hon. member, by his future conduct, would make up for his past omissions.

Mr. *Coke* presented a petition from the hundred of Earsham, in the county of Norfolk. He stated the distress in that part of the country to be such, that many farmers were quitting their farms, and giving up agricultural pursuits altogether. He believed most firmly that no relief was to be expected from the noble marquis who had so long managed that House and the country. This was the opinion of the petitioners, all of whom went further than formerly, and called for reform in that House as the only remedy for the existing distress. He agreed with them that the only perfect remedy for the evil was to be found in a reform in that House, and he hoped the example set by these petitioners would be followed by every hundred in the country. If this were done, it would be impossible for the government to resist the public voice. Ultimately, the public voice would make itself heard; but he feared that it would be in some other way than through the medium of that House. He complained of the manner in which the complaints of petitioners had hitherto been treated. Some years ago, on a petition being presented, the noble lord opposite had remarked on the "ignorant impatience of taxation" which prevailed. Perhaps similar language might be held on the present occasion; but, whatever might be said, it was most afflicting to see the county to which he belonged, and which was so closely identified with that noble science to which his life had been devoted, reduced by the burthens under which it laboured almost to a state of beggarry. Relief ought to be given without delay. No attention, however, was paid to the distresses of the petitioners. They complained of the distress which had fallen on them, and prayed for that protection to which the British farmer was entitled. They prayed for a reform in that House, and a system of fair and equal representation, of which property should be the basis. They demanded retrenchment in every department, and called for the reduction of sinecures, and all useless offices. The petition he presented with pleasure, as he was always gratified when his constituents called for reform in firm but constitutional language. In the hundred from which this petition came, there were but two magistrates, both of whom were clergymen. On the propriety of placing clergymen in such situations he offered some remarks, and commented on their conduct in withholding their sanction from the meeting at which this petition had been voted, and thus attempting to interpose an obstacle to the exercise of the right of petitioning.

Mr. *Wodehouse* said, that with respect to the report, he thought it right to say, that it had proved generally unsatisfactory to the country. It did not protect the farmer against the importation of foreign grain; but he had no hesitation in saying, that effectual relief could not be afforded till the great pressure of the public burthens had been mitigated. As the language he held was thought inconsistent with his conduct in some instances, he was anxious to explain his reasons for voting in favour of keeping up the sinking fund, and for opposing the repeal of the salt-tax. Whether in the present state of the country it was wise to preserve the sinking fund was certainly questionable. But he could not make up his mind to dispense with it: as it was difficult to calculate what effect this might produce on public credit. When the question on the salt-tax was brought forward, he had looked at the peculiar situation in which the government was placed. They had lost by the malt-tax, which had been given up, 2,000,000*l*. The repeal of the salt-tax would have taken from them another million; and this too at a time when the government was engaged in paying off the 5 per cents. Under these circumstances, he had not thought it right to vote against ministers on that occasion. He had now a few words to offer on what had fallen from his hon. colleague on the subject of the meeting at which this petition had been voted. He had alluded to

the refusal of the magistrates to sanction it on the requisition being first proposed. After the language which had been held at some of the meetings he did not wonder at there being a reluctance on the part of the magistrates to comply with the requisition. He felt it incumbent on him to explain more particularly the situation in which the county had stood. They had unfortunately had two men executed in it, who, at the moment of their leaving the world, had declared, that the outrages which they had committed had no object but to frighten the farmers into increasing the allowances of those in their employ. The House might recollect that at the meeting in Surrey, lord King had held forth at some length on the merits of Mr. Cobbett. That speech had been printed in handbills, and circulated in Norfolk. Norfolk was held to be the best place to circulate this paper, because it was known that great distress prevailed there. Now, when a peer of the realm thought proper to bestow unqualified praise on a man, who, it was known, had no regard for the rights to property, he could not but think such conduct dangerous. In his opinion, it was most improper—most unkind to the country, and most unworthy of the situation which that noble lord held in society. He had been taunted with having voted last year, first against reducing the army by 10,000 men, and then against taking 5,000 from its numbers. Now, he looked back on the votes which he had given on those occasions with much satisfaction, and regretted the reduction which had taken place. If the effect of this reduction were properly explained to the public—if it were seen by them, that men who had been twenty years in the service of their country, were sent out again to rot in places where they ought not to have been called upon to serve any more, he thought the public would be inclined to say, "a fig for such retrenchment." When gentlemen were so fond of taunting others with inconsistencies, he must remind them of their own. After calling for the reduction of the army, when the first question of the present session was brought forward relating to Ireland, the first words uttered were, "Why not proclaim martial law?" To him there appeared no small inconsistency in declaring against a standing army, and then, on the first appearance of disturbances, of calling for martial law.

Mr. *Bennet* said, that he was present at the Surrey meeting alluded to, and would observe, that if lord King had not so spoken of Mr. Cobbett, he (Mr. B.) would have said, what he now declared, that Mr. Cobbett was entitled to the thanks of the country, for the able and clear manner in which he investigated many interesting subjects. But if lord King had thought proper to make such a statement, what right had the hon. member to condemn him in his absence? The opinion of the noble lord was as good as that of the hon. member. There was in that noble lord that quickness and acuteness of intellect which, while he was by birth a descendant of the great Locke, was a further proof of his claim to the honour of which he had so much reason to be proud.

Mr. *Wodehouse* said, he believed the words used by lord King with respect to Mr. Cobbett, were to the effect, "that he was the most able and intelligent writer of this or any former time, on political subjects." Mr. Cobbett had been a good deal in the county of Norfolk of late. His exertions during the last year had been directed to persuade the people of England that the farmers were the greatest brutes in nature. To hear such a man held up as an object of admiration was shocking; and therefore it was that he had made the observations which had fallen from him.

Ordered to lie on the table.

SCARCITY OF PROVISIONS IN IRELAND.] Sir *E. O'Brien* said, that before the House proceeded to the important business of the day, he wished to point out to the gentlemen around him, the very dreadful and calamitous situation to which a great portion of his countrymen were reduced. There were at that moment thousands of persons in Ireland, who, in consequence of the failure of the late potatoe crop, were reduced to a single meal a day, and that meal generally consisted of oatmeal and water. It was well known that, generally speaking, the whole population of the South of Ireland lived, during a great portion of the year, upon potatoes; but, during the last year, the incessant rains which prevailed, had totally decayed and destroyed that vegetable in the ground. At the late assizes in his county, the distressed state of the people was taken into consideration, and a representation of that distress was made to the

lord lieutenant. He had no doubt of the benevolent intentions of the noble lord who now filled the office of lord lieutenant, but it was impossible to extend relief to that poor and suffering country, without the interference and aid of parliament. It was a lamentable fact, that at that moment the counties of Cork, Kerry, Limerick, Mayo, and Roscommon, in fact, the whole provinces of Munster and Connaught, were in a state of actual starvation. If the counties of Lancaster, or Warwick, or Stafford, were suffering as Ireland now was, what, he would ask, would be the feelings of that House? What were the people of that unfortunate country to do? How were they, deprived as they were of money, of any resource, to relieve themselves from the difficulties under which they laboured? He well remembered the situation in which Ireland was placed in 1817. Great as the distresses of the country were at that period, there was still a circulation of money, and a high price of corn, which afforded many openings of relief. But, what was the situation of the country now? There was scarcely a town in the south of Ireland; in which hundreds of strong, able-bodied men, were not to be seen walking about without any means of getting employment. The question for the consideration of the House was—what had produced this state of things? One-third of the respectable people of the county of Clare had been reduced to absolute distress; they had neither money nor means to relieve themselves. He was aware that there was plenty of corn in the market; but, what did that do towards relief, when the distressed parties had no money to buy? It was true that the gentry of the county were, in many instances, ready to co-operate with the magistrates in affording relief; but how was it possible for a few individuals to afford permanent relief to 150,000 men? In making this statement, he did not appear before the House as a mendicant on the part of his country. All he asked was, that government would make advances to relieve the present distresses of unfortunate Ireland. For these advances the county rates could be pledged, and the money might be laid out in repairing roads, or in such other manner as might be best calculated to afford relief. It was well known to many of his friends, that thousands were at that moment dying from famine in Ireland. He was most anxious to make this statement at the earliest period, with a view to draw the attention of government to it; for unless relief was promptly afforded, the unfortunate population must suffer the last stage of misery. A short time ago, potatoes, the principal food of the peasantry of Ireland, were sold at from one penny to three halfpence per stone; during this year they were sold at 6½*d.* per stone. And, while this general article of Irish consumption was so raised, oatmeal had also risen from 13*l.* to 15*l.* per ton. The hon. baronet, after pointing out with great feeling the other distresses under which the people of Ireland laboured, adverted to the fact of the poor people in Ireland being actually obliged to rob for their subsistence. He had himself been informed by the head police officer in his county, that if they were to commit all the persons who took provisions for their support, no gaol in the country could hold them; nay, farther, that the parties so arrested, if they could get their families around them, would think that they had made a happy exchange in getting into prison. The hon. baronet concluded by expressing a hope that parliament would take into its serious consideration the suffering state of Ireland.

Mr. *Becher* corroborated the hon. baronet's statement, and expressed his fear that, in a very short time, even the scanty subsistence now on hand would be altogether expended.

Mr. *Goulburn* expressed his surprise that the hon. baronet should have taken that premature opportunity of calling upon the House to enter into the consideration of the state of the peasantry in Ireland. He was the more surprised at this course, as the hon. baronet had been in daily communication with him upon the subject of this distress, and must have known that, if he had hitherto refrained from stating the views of the Irish government, it was not from any want of sympathy for the sufferers, nor from the slightest inclination to withhold whatever relief the government of Ireland could practically afford; but from a firm conviction, that the agitation of the subject would augment rather than alleviate the evils which the hon. baronet had so feelingly deplored. Supposing the distress to be as general in the south of Ireland as the hon. baronet had depicted it to be, and the condition of the resident gentry so reduced as to render them unable to mitigate the condition of their peasantry, to whom, the hon. baronet asked, but to the government, could the

people look up for relief? The Irish government were, however, first bound to consider to what extent they had the means of administering relief; and the House might form some estimate of the probable amount which would be required generally from the government, to meet the demands likely to be made upon them, if they once took upon themselves the responsibility of subsisting the people, from this single fact, that the amount of relief claimed from the hon. baronet's county alone was for 400,000*l*. The government could not, he thought, be considered much to blame, if they paused at the outset, and forbore from hastily admitting a precedent, which would encourage a liability for a repetition of those demands from various quarters of the country. The case he believed, was really this—that, in some parts there was a great deficiency in a particular crop, which constituted the chief subsistence of the peasantry of Ireland. But, though the potatoe crops had, in many places suffered, yet in others there was an abundant supply of corn; and at the very time when the scarcity had enhanced the price of potatoes in the most distressed market, the price of oatmeal continued lower than it generally was, throughout the empire. The rise in the latter article was not for some time more than 2*s*. in the cwt., although he admitted the advance had increased to 12*s*. or 13*s*. during a part of the last week. In answer to the hon. baronet's inquiry, why the government had not sent down a commission to inquire into the extent of the distress, he had only to inform the House, what the hon. baronet previously knew, that Mr. Warburton, who came up to Dublin to communicate the opinions of the gentlemen of his county, was immediately charged by the lord lieutenant with a commission, to return and ascertain first, in a more detailed form, the degree of pressure which was apprehended; next, to what extent the gentlemen of the county could contribute to the relief of their peasantry; and that then it would remain for government to take into their consideration the measures of co-operation which they could administer. His letters from Dublin that day announced the return of Mr. Warburton; and that the lord lieutenant was then in a situation to decide how far government could afford any relief.

Sir *E. O'Brien* disclaimed imputing the slightest neglect to the Irish government, but repeated that he thought parliament alone capable of meeting the evil. He had no intention of throwing his countrymen upon Great Britain as paupers; but only asked an advance upon the county rates to enable them to provide for themselves by their own industry.

Agricultural Distress, and the Financial and other Measures for its Relief.] The House having resolved itself into a committee to consider farther of the Report of the Committee on the Agricultural Distress,

The Marquis of *Londonderry* rose and addressed the committee as follows:*

I rise, Sir, in conformity to my notice, to call the attention of the committee to the Report from the select committee appointed to inquire into the allegations of the several petitions presented to the House, in the last and present sessions of parliament, complaining of the distressed state of the Agriculture of the United Kingdom. Sir, I am sure that I should much disappoint the feelings and wishes of the House, if, before I proceed to explain the particular measures which I am about to propose, I did not call their attention to the question, out of which that Report has mainly sprung;—I mean, the severe distress of the agricultural interest, which has led to the presentation of so many petitions to parliament, in the last as well as in the present session, from the various bodies connected with it throughout the country. I am anxious to do so, as well for the purpose of expressing my own opinion on the nature and extent of the existing distress, as of giving some information to the committee, preparatory to a full statement of the course which his majesty's government mean to take on the subject; and I shall also communicate several further suggestions, as to the relief which it may be practicable to afford to the agricultural interest; and to which I did not advert, when I formerly had the honour to address the House on this important topic.

About ten weeks have elapsed since I last submitted my sentiments on this question; and, if I now thought I had taken, at that period, an inaccurate view of the general nature of the evil, or of the description of remedy of which it may be susceptible, there is nothing that would

* From the original edition, published by Hatchard, Piccadilly.

make me unwilling to come forward and acknowledge the error into which I had fallen. But, on the contrary, I must now declare, that the opinions which I had then formed appear to me, on the most deliberate reflection, to be substantially correct. I then stated, that I believed the question of distress might be considered as confined to the agricultural interest. I lamented the existence of that distress most deeply. I thought as seriously on the consequences of it as the hon. member for Norfolk himself can think. But, entertaining most sincerely that feeling, I nevertheless deemed it essential to bear in mind, that the general situation of the country, with the exception of what belonged to agriculture, might be regarded as prosperous. As far as I have since been informed, it unquestionably appears, that our manufactures and commerce are in a state of progressive prosperity; and I have the satisfaction to add, that the revenue continues to improve. Since I last addressed the House on this point, the amount of the quarter's revenue, as compared with the corresponding quarter of last year, has shown an increase of between 400,000*l.* and 500,000*l.*: and I have the satisfaction further to state, that the accounts, for three weeks, which have been made up since the last quarter day, exhibit an increase of 283,000*l.*, as compared with the corresponding period in the last year; so that it appears, that subsequently to the last quarter's account, which showed so much improvement, the revenue has gradually continued to increase, as compared with that of last year, at the rate of above 90,000*l.* a week. I do not adduce this fact as conclusive, but only as presumptive evidence of the improving condition of our manufactures and commerce; and it is consoling, when so much stress is laid, and very properly laid, on the present pressure upon agriculture, to be enabled to advert to a criterion which justifies us in presuming that, although a great and important interest of the country certainly suffers severely, that suffering is not so universally diffused as some persons seem to imagine.

As to the mode by which it might be practicable to relieve the agricultural distress, I then stated my opinion—an opinion to which I still adhere—that, according to the best information which I was enabled to procure, that distress arose chiefly from causes which were not within the reach of any legislative remedy, and was the result of various circumstances influencing the market; that it was occasioned by an excess of produce brought to that market; and that, until the supply adjusted itself to the demand, so as to afford a fair profit on the capital employed in agriculture, all attempts to correct the evil by legislation must prove abortive. I contended, and I now repeat, fortified considerably by the discussions which have since taken place on the subject, and more especially by the sanction and confirmation which the opinion I expressed has received in the able work which has recently been published by the hon. member for Portarlington (Mr. Ricardo), than whom it is impossible for the House on such questions to have higher authority;—that the remission of taxes, although highly desirable as a relief to the consumer generally, and to the agriculturists only in common with all other consumers, is not calculated to reach the disease in the shape of an effectual remedy.—I admitted, that it might act as a palliative, and as such be applied rather to soothe the feelings of those whom it concerned, than to relieve their actual wants; but I insisted that to hold it out as a remedy for the depression and distress of the corn market, was to practise one of the worst delusions that could possibly be imposed upon the country. And, Sir, I do now conscientiously believe, that the intelligent portion of the community, even amongst the farmers themselves, are convinced that, if the whole of our taxation could by possibility be relinquished, the necessary relief would not be thereby afforded to that most important branch of the national industry. At the same time I distinctly stated, that I considered it to be our duty to look at all the circumstances connected with the landed interest—in order to see if it were possible to devise any thing, which, though not a direct remedy, might nevertheless afford relief collaterally, and facilitate the efforts of individuals engaged in agriculture, by giving to them the means of advantageously employing capital; and I added, that in a country abounding in active exertion like this, it was impossible, by judiciously relieving any one branch of the national interests, not thereby to benefit the whole.

Sir, I then ventured to call the attention of the House to various measures, which seemed, in the opinion of his ma-

jesty's government, to deserve the serious consideration of parliament. Those measures naturally divided themselves into three classes; *first*, measures of a financial character;—*secondly*, such as are connected with the state of the currency of the country; and, *thirdly*, those calculated to relieve agriculture, as far as relief is to be found in advances to be made to the agriculturist, on adequate security. I now beg leave to recal the attention of the House to these particular measures, and to state the grounds on which his majesty's government are now prepared to act, with reference to each of the three great branches of the question which I have just described.

I will begin with that class to which I last adverted; and consider how far any pecuniary advances which the House may think it desirable to sanction, can be rendered available to the diminution of agricultural distress. When I formerly addressed the House on this subject, I stated the reasons why, after the fullest deliberation on the part of his majesty's government, it did not appear to them that it would be practicable or advantageous as a system of relief, to advance any sums by way of mortgage; or that in point of fact any effectual relief could be afforded, by such a course of proceeding as that of advancing money either on the landed property of the agriculturist, or on his own personal security. I stated, however, that there was another measure, by which we might facilitate the general object we had in view; and that was, the making certain advances to parishes on the security of the parochial rates, with a view of mitigating the immediate and extreme pressure of the poor-rates in many parts of the country. In describing that measure, however, I observed that, although his majesty's government thought it their duty to submit it to the consideration of parliament—as one which might perhaps be resorted to with advantage in the existing state of things, yet that we also felt it to be liable to considerable objections; and therefore that his majesty's government were desirous to keep it open for further consideration and discussion. In the agricultural committee I had an opportunity of ascertaining the general opinion on this subject of individuals of great practical knowledge and experience; and I have now to state to the House, that the difficulties in the way of the successful execution of this plan appeared to these individuals so much to preponderate over its advantages, that it is not the intention of his majesty's government to make any proposition to parliament with respect to this particular species of relief.—There is, however, another mode of advancing capital for the relief of the agriculturist, which stands on a different principle, and to this the committee have given their sanction; namely, an advance by government, not exceeding in amount one million sterling, on the security of British corn, to be stored for that purpose.—Sir, I never disguised from the House my opinion, that advances of this nature require great consideration, and are only justifiable under the pressure of extraordinary necessity. I stated to the House, on a former occasion, the reasons which induced me to think that such a measure ought not to be adopted as a general principle; but at the same time I observed that there might be circumstances which would render its adoption advisable; and I instanced, as a similar case which had already occurred, the advance of Exchequer bills a few years ago, on the security of manufacturing and commercial property. It is not my intention at present to enter into any detailed argument on the subject: I wish, however, to apprise the House, that this particular proposition in the committee did not originate with me; but that, as it has received the sanction of the committee, I feel it to be my duty to propose it for the consideration of the House; the more especially, as I understand that it is a measure from which the farmers themselves conceive that they shall derive considerable advantage. In deference therefore to the opinion of the committee, believing as I do that the farmers generally look to this measure with anxiety, as likely to tend materially to their relief—and anxious as I am to assist in carrying into execution any plan that may in its operation have a tendency to improve the condition of the great body of the agriculturists, I shall certainly submit to the House the propriety of adopting in this respect the recommendation of the committee.

If, Sir, I thought that the true character of this measure was such, as I know I shall hear it described by some hon. gentlemen, namely, one to raise the price of corn, I would not give it my support. But my impression with respect to it is, that it cannot fairly be so considered. Its effect will

be, not to raise the price of corn above its just level, but to preserve that level, by rendering the distribution of the produce of the year more proportionate to the actual wants of the consumer; thus relieving the market, which, owing to present circumstances, is so inundated with produce, that the fair and natural competition, which in ordinary times exists, and which ought always to exist between the buyer and the seller, is, for the present, materially deranged. There probably never was a period in the history of the country, when the seller of corn laboured under such overwhelming disadvantages as at the present moment; arising from the market being supplied, as the returns will prove, with double its average amount of produce. The tendency of the measure recommended by the committee, is, not to raise the price of corn, but to distribute the supply more equally over the whole year; and to protect the markets from the effects of that excess, which, at the present moment, pours in upon and depresses them. When adopted, it may, or may not, come into action. It is not founded on the principle of any direct interference on the part of government with the market; but its operation will altogether depend on the view which individuals take of the state of that market, acting strictly on a calculation of their own interests. If those individuals do not believe that the market has been glutted at an early period of the year, to the excessive depression of price, so as necessarily to lead to higher prices as the year advances, they will have no inducement to enter into the speculation of borrowing a capital, which they will afterwards be called upon to repay with interest. But if, on the other hand, there be reason for the presumption, that the market having been glutted, corn will, under all the circumstances of the case, naturally obtain higher prices in the latter part of the year, it is surely desirable that the farmer should have the means afforded him, through the operations of the corn merchant, of a part of the year's produce being held over for a market, at a moment when, if brought to a sale, it must necessarily lower the price. It cannot therefore be truly said, that there is any thing so unsound, so unnatural, or so artificial in this proposal, as to render it prejudicial, under circumstances of much agricultural embarrassment; especially when adopted only as a temporary measure, and as a corrective of a system in itself artificial. If it should lead to no favourable result, at least it can do no harm;—and the general impression on the minds of the farmers being, as I understand, that it is likely to be beneficial to them, if, under such circumstances, the House should refuse to try the experiment, the farmers might hereafter say, that, had it been tried, it would have afforded them relief.—I really do not perceive that any aggravation of the existing evil can by possibility arise from this measure, and I shall therefore certainly submit it for the consideration of the House.

The sum which his majesty's government propose shall be thus advanced is, as I have before stated, one million sterling; and I will presently call your attention to the fund out of which it is intended that that sum shall be so advanced. But there is another application of the credit of the country, which, under the present circumstances, his majesty's government mean to recommend to parliament. Had the hon. baronet opposite (sir E. O'Brien) delayed for a short time the communication which he this evening made to the House, with respect to the distresses which unfortunately oppress the population of the south and west of Ireland, he would have found that those distresses had already engaged the anxious attention of his majesty's government; and he would have been informed, that, with a view to enable the lord lieutenant of Ireland, liberally, but at the same time cautiously, to relieve the most urgent of those distresses, it is the intention of my right hon. friend, the Chief Secretary for Ireland, shortly to propose a vote of credit (similar to that which was agreed to in 1817), placing at the disposal of the lord lieutenant funds, by which he will be enabled to make those local and appropriate advances, which may tend, as in the former instance, materially to mitigate the existing evil. With respect to the second object of the hon. baronet, that of employing the poorer classes, I have to state that it is in the contemplation of his majesty's government, to propose an additional vote of one million sterling, to be applied, under the present commissioners, in the forwarding of public works, where there is a prospect of a profit which will indemnify the public for the advance. Such an application of capital will, while it gives useful occupation to the poor,

have the effect of assisting improvements of great national benefit. These two sums—the advance on British corn stored, and that for carrying on public works, will amount to about 2,000,000*l*. of capital; of course to be advanced only upon adequate security, and subject to repayment with interest.

Sir, the next great branch of the question to which I wish to direct the attention of the committee is, the state of the circulating medium of the country. When I mentioned this subject on a former occasion, I opened to the House the opinion entertained by his majesty's government with respect to the most convenient mode in which the advances, which it is proposed to make, can be effected, so as to afford the most general benefit; and I stated, that his majesty's government were engaged in a negotiation with the Bank of England for an advance of 4,000,000*l*. on Exchequer bills, at the moderate interest of 3 per cent, subject of course to the approbation and decision of parliament. I also stated, that the object which his majesty's government had in view was in some degree to relieve the pressure upon the money circulation; and thereby to produce a general and important benefit to the country, independent of any particular and individual advantage; and I declared that I should be prepared to urge parliament, should all schemes of local application be abandoned, still to adopt measures by which the sum in question might find its way into general circulation. Sir, his majesty's government adhere to the views on this subject which I then described; and I have now to state that they have concluded an arrangement with the Bank of England for the purpose of carrying those views into effect.

I have already observed that 1,000,000*l*. will be necessary to execute the proposed measure of making advances on the storing of British corn; and another 1,000,000*l*. for the intended application to public works generally; which latter sum will include a sufficient fund for the purpose of mitigating the particular distress existing at the present moment in the south and west of Ireland. I have now the satisfaction to inform the House, that since these subjects were last discussed in parliament, the Bank of England has consented to advance, at an interest of 3 per cent, a sufficient sum to pay off all the holders of navy 5 per cents, who have dissented from subscribing to the proposal for an exchange into the 4 per cent stock; which sum will somewhat exceed 2,600,000*l*. I therefore suggest the expediency, in conformity to the view which his majesty's government take of the subject, of throwing these sums into general circulation; namely, the 2,000,000*l*. to which I have already alluded, which will enter the circulation by particular channels;—and the 2,600,000*l*. which in July next will find its way into direct circulation, by paying off those holders of navy 5 per cents, who were not disposed to become parties to the late arrangement respecting that stock.

I will now call the attention of the committee more pointedly to the general state of the circulation, and to the various circumstances by which it is affected. The House are aware that the act, empowering private bankers in the country to issue notes under 5*l*. in value, will expire in the year 1825; and that consequently, if parliament do not interfere, by extending the operation of that act, all the small paper currency of the country—all that currency which consists of notes under 5*l*. in value—must be put out of circulation, and its place be supplied by a metallic currency. Now, we are approaching so nearly to the period of the expiration of that act, that it is essential parliament should, without loss of time, decide with respect to the course of policy which it may be most expedient to pursue. Either we should at once determine to extend the law for a further period, or we should give the parties concerned fair notice that we intend to allow it to expire. This becomes the more necessary, as there is reason to believe, that the country bankers, with the termination of the present law in view, have, for some time past, been contracting their issues in order to meet that event. There is reason to believe that, no longer indulging in speculation, the country bankers are not acting even up to the natural scale of the credit to which the property they possess entitles them, in consequence of the measures which they think it necessary to adopt, in order to be prepared for the total suppression of their small paper currency. If, therefore, it be the intention of parliament to allow the act for the regulation of country bank paper to expire, that intention ought now to be declared, in order that still more extensive efforts may be made to

procure an adequate supply of the precious metals to replace that paper. If, on the other hand, this operation can be dispensed with, it should, without further delay, be discouraged, as the effect of such an importation, in the interval, would be, to augment the pressure upon our circulation, by a large, and in that case unnecessary, accumulation of gold. It is for parliament to consider whether a metallic currency alone is sufficient to satisfy all the wants of the country. It is for parliament to consider whether, looking at the general circulation, with respect both to this country and to the world at large, it would be sound policy, that the whole of that circulation should be filled up, in its details, by a metallic currency. I am sure the House will go along with me in feeling, that the time has arrived when we are bound to come to some conclusion on this most important question. And here I have to state, that after the best consideration which his majesty's government have been able to bestow on the subject, they are satisfied that, under all the circumstances of the case, it will be prudent and expedient, not only to extend the duration of the act in question, but to extend it for a considerable number of years, by making that duration concurrent with that of the charter of the Bank of England, which will not expire until the year 1833.

I am sure the House will feel, that if, even at this moment, it be the fact, that we are suffering an unnecessary pressure, resulting from the efforts which had been made to bring gold into the country, and to hold it in the coffers of the Bank of England, in order to effect the great object of returning to our ancient metallic standard;—if that be the case, and I really believe it so to be, it is imperative upon us to consider how much the evil will be needlessly aggravated, if to the gold which has been accumulated for that purpose, is to be added the gold which it will be necessary to provide, in order to replace the small country notes, should they also be withdrawn. If it be not necessary to our credit to do away with those notes, why should the country bankers be exposed to the obligation of keeping by them a large dead capital in gold, which has, in many points, been found inconvenient in the detail of general circulation? It is indispensable, therefore, that we should now decide this important question; and, in truth, we come to the decision with some intimation from the country of what we ought to do. It is a curious fact, that the great efforts which the Bank of England have considered it their duty to make, for the purpose of introducing gold generally into the circulation of the country, have, in a great measure, failed; for no sooner do they issue sovereigns, than those sovereigns are returned to them in payments; which is certainly the strongest possible indication that the country prefers a paper currency, founded on a basis of satisfactory security. If parliament, therefore, should refuse to renew the act to which I have alluded, it will force a gold currency upon the country, against its wishes, at a moment when, to sustain it, we must injudiciously draw on our resources; and when the accumulation of vast masses of that precious metal, must inflict on this country, and all the other countries of Europe, a great and unnecessary inconvenience. For these reasons, and without troubling the committee at present with further details, I have now to state, that his majesty's government, having to choose between the alternatives, have determined, under all the circumstances of the case, to recommend to parliament to permit the circulation in question to continue to be carried on in paper, to rest on the credit of the parties by whom that paper is issued. Of course, the bill by which it is proposed to continue the present act, will contain the existing provisions for the security of the public; and it is also intended to introduce a provision that private bankers issuing such small notes, shall not be considered as failing in their obligations if they pay them in Bank of England notes; these latter being of course payable, as at present, in cash, at the Bank of England. Unless the country bankers are so protected, they will not be able to issue their notes with safety.

It has been the anxious wish of his majesty's government to couple with the extension of the present permission to country bankers to issue small notes, some regulation which may have a tendency to provide against an excessive issue of such notes upon inadequate security. It is certainly true, as has been justly observed by an hon. gentleman opposite, that this matter may be left to be dealt with by the natural precaution of the community; yet, if any unexceptionable security could be combined with that precaution, it would be so much clear gain. His ma-

jesty's government had at one time some idea of requiring a deposit of actual property as a security; but the details of such measures were, on examination, found to be so difficult and complicated, that we were induced to abandon it. In lieu thereof, and in order to increase the effect and stability of those banking operations, by augmenting the number of persons embarking in them, it has been thought fit and proper to open a negotiation with the Bank of England, for the purpose of obtaining from them such a relaxation of the Bank charter, as may enable individuals who are so disposed, to establish private banks, consisting of a greater number of partners than six, the number to which they are at present limited by the provisions of the Bank of England charter. It is not intended, however, that this shall take place immediately within the sphere of the Bank of England—not in London, or in the neighbouring districts, but at such a distance from London as shall not materially affect the operations of the Bank of England, while it undoubtedly will greatly add to the convenience and security of the public. Sir, his majesty's government are persuaded, that, if the important object could be obtained of limiting the exclusive privilege of the Bank of England to a distance of sixty-five miles from London, leaving it every where else open for any joint stock company that chose to do so, to set up a banking establishment, such a measure would give great solidity, as well as facility to the circulation; and very materially strengthen the credit of the country. The object has been to assimilate, as far as may be, the country banks in England to those in Scotland, which have long carried on all their dealings with the greatest correctness, and advantage to the public, and with the most unshaken credit. In Scotland there are twenty-six banks, three only of which are chartered banks; the remaining twenty-three are of the description of those which his majesty's government are desirous of enabling individuals to establish any where in England, beyond the distance of sixty-five miles from the metropolis. Several of those Scottish banks are joint stock companies of a very extensive nature, consisting of a great number of partners: the average number of partners of which those companies are composed is between fifty and sixty. Let the House consider what an increase of security it must afford to the public when so many individuals combine in the responsibility of a banking concern, and render themselves liable to be sued by their legal representative. In order to induce persons to enter into them, the banks of Scotland lay down principles of banking so sound and safe, and so opposed to all illicit speculation, that in that country, where the people are certainly not much inclined to hazard their property unwisely, numbers of persons are always found ready to embark in them. In the last hundred and twenty years, during which period the pressure of circumstances has occasioned the failure of so many banking establishments in England, not one such failure has occurred in the whole of Scotland until the other day, when there was a rumour of the failure of a Scottish bank; whether true or not, I have not since been informed. Something beneficial there must be in a system which has passed so long and so safely through the many tremendous shocks to which banking property has necessarily been exposed. By bringing the system on which the banks of Scotland are founded into this country, we shall indirectly give a great increase of strength to our paper circulation, without restraining private bankers from rendering their capital a source of profit to its utmost extent. I ought to have mentioned before, and in its proper place, that, in order to induce the Bank of England to consent to the surrender of this portion of their chartered rights, it is proposed to extend their charter for ten years, merely in as far as it is applicable to the local circulation of London and its neighbourhood, without affecting, however, any of the subsisting arrangements between the Bank and the public.

Having stated so much to the committee on two of the great branches of this subject namely the measures which it is proposed to take for the mitigation of the agricultural distress, and those in aid of the general circulation of the country; and having, as I hope sufficiently opened the views of his majesty's government on those points, I proceed now to call its attention to what has been done, and to what it is in contemplation further to do, in regard to our financial arrangements. In the first place, Sir, let us look at what has been the result of our legislative enactments in the present session, on the subject of finance, the consideration of which will pave the way for a statement

of the further measures which his majesty's government mean to propose, growing out of the support that parliament has so wisely given to public credit; for it is unquestionably true, that the present state of the money market and of credit generally, arises from the course of policy which parliament lately pursued, and which was dictated by so enlightened and uncompromising a spirit.

Sir, it is fresh in the memory of the committee, that his majesty's government having reduced the estimates for the year by the sum of two millions; parliament, after satisfying itself of the existence of an effective surplus of five millions of revenue, over all the ordinary, and even over all the extraordinary charges of the year; and of the consequent realization of the object which had long been contemplated, and out of which it was foreseen would grow a solid and improving condition of public credit, did, after further, and most mature examination of the subject, the result of which was a corroboration of its former opinion with regard to the expediency of applying that surplus to the maintenance of a sinking fund, pledge itself so to apply that surplus, thereby effectually supporting the public credit, with which all the best interests of the country are inseparably connected.

On the faith of the determination taken by parliament upon this subject, his majesty's government felt that it might be permitted to my right hon. friend, the chancellor of the exchequer, to embark in one of the most gigantic enterprises of finance of which the history of the world affords an instance; namely, that of paying off 155,000,000*l.* of the public debt, either by actual payment, or, by means arising out of the public credit. I am confident that if, at any former period, it had been declared that, in the course of six weeks, a measure of such magnitude could be carried into effect, not only without any convulsion, but without any serious discontent or inconvenience—the assertion would have been treated as idle and illusory. Nothing has happened in the whole history of the country, which so clearly exhibits the powers of the nation, and the almost endless resources which result from the stability of its credit and the character of its government, when those resources are wielded under the sanction and authority of parliament, and are not broken down by unsound or speculative principles of policy,—than the fact we have lately witnessed, that such an extensive operation has been accomplished without the least apparent difficulty or embarrassment. By that single operation—by the conversion of so great a mass of our debt into a stock bearing a reduced interest—the people have been at once relieved from an annual burthen amounting to 1,300,000*l.* But that is not all. It is not the immediate fruits of the measure, great as they are, that are so important as the precedent which its execution has established, of a successful reduction of the interest of our debt. How much more easy comparatively, will be the task of my right hon. friend hereafter, or of any of his successors, when it shall be considered advisable to proceed further with the reduction of the interest of the debt, from their having such a precedent to refer to. In fact, the country may henceforward consider the reduction of the interest of its debt to be a safe and practicable operation, whenever the price of the funds, and the concurrence of favourable circumstances, may render such an undertaking again expedient.

I wish now to call the attention of the committee to a measure, the outline of which I am about to explain, not altogether resting on the same principle as that to which I have just adverted; but, still, one of the greatest importance, and which, I hope, the committee will consider to be fully warranted by present circumstances. My right hon. friend, the chancellor of the exchequer, has prepared certain resolutions, which he will move on Wednesday or Friday next, with a view of bringing this new measure, to which I have alluded, under the consideration of parliament. It is his wish, however, from its bearing upon the general state of the country, that I should open the outline of his plan this evening; and, previous to doing so, I feel that I ought to state why that measure is only now brought forward; and why, if it be one which his majesty's government think expedient and desirable, it was not introduced at an earlier period of the session.

Sir, the measure to which I have alluded can be proposed with a fair prospect of success, only at a period when the public credit is in a flourishing condition. The wisdom and magnanimity of the House of Commons having resisted all the shocks which have been levelled against public credit in the course of the present session,

the country now reposes perfect confidence in the stability of that credit, which parliament has in so decisive a tone declared its determination to support.

Although, therefore, the principle of this new measure has been for some time under the consideration of my right hon. friend, he could not bring it forward sooner than at the present moment. It was not only impossible that he should submit it to the opinion of parliament before the public credit became fairly and unequivocally established, but it was also inexpedient that he should do so before the bill which was so mainly conducive to that end—I mean the bill for reducing the five per cents—had been completely carried into execution. For, Sir, it could not be foreseen what difficulties might have occurred in the execution of that measure, to contend with which, all the exertions of the state, and all the means which his majesty's government could bring forward, might have been exclusively necessary to be applied. Until, therefore, the provisions of that bill were executed, and until the money market had thereby become completely tranquillized, it was by no means advisable to embark parliament and the country in a new measure of the extent and complexity of that which, agreeably to the wish of my right hon. friend, I am about briefly to describe.

Sir, the committee will allow me to say, that I by no means wish them to consider this proposal as a parallel to that which has recently been adopted. The measure which has already been executed has been productive of an absolute saving to the country. By that great financial operation, the reduction of the interest of a large portion of the public debt, a positive annual saving has been effected, in behalf of the country, of above 1,300,000*l.* The plan which I am now going to describe, is a new and more convenient arrangement of our existing means, rather than a creation of new means.

The measure, then, which my right hon. friend intends to submit to the consideration of parliament, is—to place the liquidation of a large portion of the present expenditure of the country, namely, the dead expense, as it is called, of our naval and military establishment, on a different footing from that on which it now stands. The committee are aware that this dead expense is an immense annual charge, consisting of officers' pensions, retired allowances, the pensions of the widows of officers, and the half-pay, under the heads of navy, army, and ordnance; amounting altogether to about 5,000,000*l.* per annum. This amount is certainly liable to progressive decrease from the deaths of individuals; but having been granted by the liberality and gratitude of parliament to meritorious individuals, for services performed, it is a charge, generally speaking, which rests on the good faith of parliament, and which must be annually provided for as a debt of the state. It is, however, a debt which stands in a very inconvenient relation to the general arrangements of the country. I am sure the committee will feel that nothing is more calculated to mislead the public, or embarrass our discussions, than this vast charge of 5,000,000*l.*, which seems to belong to our annual expenditure; but which, in fact, has nothing to do with that expenditure, although, historically, it will be very proudly connected with the state. The effect of the actual arrangement is to make the public think that the national expenditure is seventeen or eighteen millions per annum, when in fact it does not exceed twelve or thirteen millions. If this charge, then, can be separated from the general expenditure; if it can be treated as a debt incurred rather than as a service to be provided for, although in that case the real amount of expenditure will be the same, yet things will be placed on their proper footing, and the public in this country; and the world, will better know what is the actual situation of our affairs. It is, I think, most desirable to look at the question of this dead expense in the view I have here explained; and parliament is, on all sound principles of prudence and policy, entitled to deal with it in a different manner from any other branch of the national expenditure. It has grown out of a war perfectly unexampled in history. The exertions of this nation, while that contest continued, were of a gigantic description. Those exertions were made for our own preservation, and for the deliverance of Europe; and they were made upon such a scale, that it cannot in all common probability be supposed, that England will ever be required to repeat them.

We are justified, therefore, in dealing with this charge on a distinct principle, applicable to itself alone. We are warranted in looking upon it as a debt *sui*

generally not likely to recur, at least in any degree to the same extent. For some time past, his majesty's government have been anxiously employed in considering all the regulations and provisions out of which this dead expense has arisen; and although they have not the slightest intention—and I wish this to be most distinctly understood—of interfering with the interests of those who are already provided for by it; although they feel that the rights of the parties who at present enjoy a provision under this head should be held sacred, yet they do not consider themselves to be so fettered, as not to be entitled to propose such prospective modifications, consistent with sound principles of justice and of economy, as may hereafter prevent the charge from accumulating as it has latterly done, to an amount altogether incompatible with the beneficial administration of the affairs of this or of any other country.

This charge amounts (as I have already stated), at the present moment, to not less than 5,000,000*l*. If the committee will go back, and compare the present amount of it with its amount in 1792, that year with the expense of which it has lately been so much the habit to contrast our existing expenditure, they will find, by the Report of the Committee of Finance, which investigated the expenditure of the country at that period, that the like expenditure did not exceed 650,000*l*., notwithstanding all the increase which it had necessarily received during the American and the preceding wars. The committee, then, must see how rapid has been the growth of this charge during the last war, as compared with its increase during former wars. Nine years after the termination of the American war, it amounted only to 650,000*l*.; at the present moment, the country has to sustain a burthen, consequent on the late war, of 5,000,000*l*. arising in a great degree, certainly, out of the peculiar circumstances of the contest in which we were engaged, but also mainly (and I state it without intending to convey obloquy or imputation on any one) from the nature of the regulations which were adopted during that war, in regard to pensions and allowances. It is, therefore, clearly the duty of his majesty's government to protect the country from the future growth of so burthensome a system; and we feel, in consequence, the more justified in dealing with this charge in the way which I am about to describe.

In the first place, Sir, let us consider what the precise nature of the charge is. It is an annuity of 5,000,000*l*. on the lives of numerous parties, some of whom are young, and some old; and it is, therefore, an annuity of varying amount and uncertain duration. It may be considered, in fact, as an annuity beginning at the sum of 5,000,000*l*.; but subject of course to the usual decrease, according to the calculations contained in tables of the value and duration of human life, it appears that this annuity may be carried on to a period of seventy years; although, towards the close of that period, as the number of individuals living would be very few, the payments would of course materially decrease. Now, the nature of the operation which I am about to suggest to the House is, that parliament should make provision for a change in the mode of these payments, by entering into a contract with parties, who, in consideration of a fixed annual payment on the part of the public, shall agree to supply such a sum in each year as, upon calculation, may be required to effectuate to the survivors the payments which they will be entitled to receive. This species of operation, the committee will observe, is purely financial, and will in no degree alter the position of individuals at present receiving pensions and allowances, in their relation to parliament or to the Crown. I should most strongly deprecate, upon constitutional grounds, the adoption of any proposal, the effect of which would be to render those individuals the pensioners of any large commercial company. Such a change would entirely destroy the true constitutional character of the connexion of those individuals with the Crown. If, also, the arrangement in question were in any way to affect the functions of parliament in its control over the national expenditure, or to supersede its power of voting these public charges annually, it would certainly be highly objectionable. But, Sir, the plan to be proposed by my right hon. friend, is not open to any of these objections. It is strictly a financial arrangement, not in any degree changing the position of the parties interested, in no degree interfering with the constitutional control of parliament over the public expenditure, but merely altering the mode in which the public resources are to be obtained, and by which the charge in question is to be defrayed and distributed equally over an

extended period of years, instead of falling with excessive pressure on the earlier years of the series.

His majesty's government then conceive that, under the very peculiar circumstances of this case, they shall be justified in proposing an exception from the usual practice, if, on sound financial principles, they can adopt some system, the effect of which will be to distribute this charge over a certain number of years, and thereby to lighten its immediate pressure. The number of years which it is proposed to take as the proper extent of time over which the charge may be advantageously distributed, is forty-five. That is the number of years which was recognised by Mr. Pitt as the period within which, by the reservation of one per cent on the capital of every loan, the debt created by that loan would be liquidated. This period, then, being fixed at forty-five years, it remains to be determined what sum the public ought to pay during that time; or, what equal and invariable sum the public ought annually to pay for five and forty years, to induce any parties contracting to undertake to pay annually the unequal and variable amount of the charge under consideration.—I should add, that it is not in the contemplation of his majesty's government to contract for a longer term than forty-five years; because, after the expiration of that term, the annual payments upon the surviving lives must of course be so small, that it is not worth while to embarrass the present transaction by any reference to them.

I am sure the committee will feel that I cannot be expected at the present moment to state very accurately the details which are connected with this part of the subject; I will content myself with endeavouring to give the committee a notion of what will be the probable working of the plan. It would appear that, by granting a fixed annuity for forty-five years of from 2,500,000*l.* to 3,000,000*l.*, if parliament shall think fit to sanction the measure, a contract may be made, for the payment every year into his majesty's Exchequer of the sum reasonably necessary to defray the charge in question, according to a schedule to be constructed from the table of lives. The effect of such an arrangement with respect to the public will be this—that if the fixed annuity to be so granted by parliament should, for instance, amount to 2,800,000*l.*, the present total of the charge being 5,000,000*l.*, the immediate saving to the country would be 2,200,000*l.*; and consequently parliament would be enabled to dispose of that saving of 2,200,000*l.* at its discretion. The operation of the measure will be that for the first sixteen years the contractors will have to make good the difference between the fixed payment of 2,800,000*l.* and the sum required to discharge these payments, as set forth in the schedule, thereby *pro tanto* operating a relief to our annual expenditure. About the sixteenth year it will probably become a balanced account between the sums received by the contractors and the sums to be paid by them;—and from the sixteenth to the forty-fifth, or last year, the payment by the contractors, as lives fall in, will very much diminish, and they will be reimbursed for the great advances made by them at the commencement of the transaction.

Sir, I am the more anxious for the success of this measure, because, if parliament think fit to sanction it, and his majesty's government should be enabled to carry it into execution, I am very sanguine in the hope that we may be at once enabled to realize the project which the hon. member for Corfe Castle proposed to the House at an early period of the present session. I confess I am very much inclined to go along with that hon. gentleman in his opinion, that unless we are enabled to tie up the 5,000,000*l.* of sinking fund, to accumulate at compound interest, until it shall amount at least to a sinking fund of one per cent on the whole capital of the debt, which was the principle proposed by Mr. Pitt at its formation, we shall very imperfectly execute the intentions of parliament as expressed in repeated declarations, and very much fall short of the original object for which that fund was destined.

I am sure, then, it must be very satisfactory to the House to learn, that the period may not be very remote, when the public will begin to reap those salutary advantages, every year increasing in value, which always result from transactions like those to which parliament has lately given its sanction, founded on justice and good faith, and conducted with prudence and honour. By a calculation which has been recently made, it appears that, if parliament shall determine that the 5,000,000*l.* is to increase at compound, instead of continuing to go on

at simple interest, it will arrive, in the course of ten years, at the maximum which it is at present intended it shall attain, namely, one per cent on the whole of the national debt. In ten years, the sinking fund at compound interest, will amount to about 7,400,000*l.*; which will be full one per cent on the capital of the debt, because by that time the operation of the sinking fund will have reduced the debt above seventy millions of its present nominal capital, which will then be about 730,000,000*l.*, instead of 800,000,000*l.*;— after the tenth year there will be a surplus on the sinking fund, at the disposal of parliament, of about 290,000*l.*, in every year, applicable to any purpose to which parliament may choose to destine it; at the conclusion of the forty-five years, that sum will amount to about 10,000,000*l.* of clear annual revenue. The country, therefore, will have from the tenth to the forty-fifth year of this period, a growing surplus, accumulating from that fund, of about 290,000*l.* a year; making in the whole about 10,000,000*l.*; and in the thirty-eighth year of that period the existing long annuities amounting to 1,300,000 per annum, will fall in. With these prospects before them, I conceive that there can be no hesitation on the part of the House, in tying up the present sinking fund, so that it may accumulate at compound interest.

The question next to be considered is —what will it be prudent and advisable for parliament to do with the annual saving that will be effected by the proposed plan? Supposing that the sum should be that which I have already stated (but in stating which I beg not to be understood as absolutely pledging myself to accuracy in the amount), supposing that by making a contract for a fixed annuity of 2,800,000*l.*, the arrangement should be completed, and should leave at the disposal of parliament 2,200,000*l.* of annual revenue, in what way ought that sum to be disposed of? Now, Sir, with all my anxiety, and with all the anxiety of my right hon. friend, to remit taxes whenever it becomes practicable to remit them, I am not prepared to say that we can safely go so far as to propose the remission of taxes to the full amount of 2,200,000*l.* By the adoption, however, of the proposed measure by parliament, they will be enabled to give, even in the present session, considerable relief to the country. Sir, God forbid that I should attempt to delude the House by stating that the remission of 1,800,000*l.* of taxes, which is the amount that it is probable my right hon. friend may propose to remit, appropriating the remaining 400,000*l.* in the manner which I shall afterwards explain, can effect any thing like a complete relief to the agricultural interest. It is gratifying, however, to know, that such a remission must be very beneficial to consumers generally, and to the agriculturist therefore among the rest, in his character as a consumer. In that way it certainly will operate as a relief to the agriculturist, whose distress has never been denied by his majesty's government, and which distress it has always been, and still is, their most anxious wish to diminish. When, therefore, I say that, in the event of the adoption of the proposed measure, parliament, may, even in the present session, afford relief to the country to a considerable extent, I mean a moderate and a rational relief. I do not mean that we are competent to work miracles, by which alone the distress in question could be immediately and completely removed; but I mean, that we may give such aid as will be very generally beneficial, at the same time that it will not prejudicially affect those great financial principles, the maintenance of which parliament has already declared to be indispensable to the national welfare and prosperity.

Having thus stated to the committee the relief which his majesty's government earnestly hope may with prudence be afforded, I must again conjure the House not to look at the question of remission of taxation otherwise than through the medium of this measure; from which a clear surplus will accrue, disposable by parliament, after having set apart, without prejudice to the sinking fund, adequate funds for meeting the dead charge throughout the entire period of forty-five years; adhering strictly to this principle, I have no doubt but that the plan may be satisfactorily carried into effect in the course of the present session of parliament, and that the legislature may thereby be enabled to relieve the country from taxation to the amount which I have mentioned.

My right hon. friend is not, as I before stated, at present prepared to appropriate the whole of the 2,200,000*l.* to the remission of taxation; because, by so doing, he would violate justice and good faith. For, although it is perfectly true that

5,000,000*l.* is the present amount of the dead expense, yet the whole of the saving which will arise by the death of the parties now entitled to these pensions, will not accrue to the public even upon the present system, for it is obvious that pensions must, from time to time, be granted to individuals who served in the late war; to the widows of officers who may die whilst on half-pay; and to the widows even of those who have married since the peace. His majesty's government, therefore, feel that they should not act in a way at all consistent with a due regard to principle, if, in their haste to afford that relief to the country which they are bound to give when the opportunity is offered to them, they were to omit to make the necessary provision for meeting this growing expense. We propose, therefore, out of the sum of 2,200,000, which I have taken as the whole saving on the measure, to make the necessary provision for the growing expense which will probably arise between the present moment and the end of the period of the next ten years; at which time, if parliament shall now agree to tie up the 5,000,000*l.* of sinking fund at compound interest, it will arrive at its *maximum*, yielding, as I have already stated, an annual surplus of about 290,000*l.*; and, in two or three years from that time, the amount of surplus revenue so liberated will be sufficient to provide for the charge of the growing expense above mentioned, without interference with any other financial measure calculated to support the public credit.

His majesty's government have considered this question with as much accuracy as is possible on an abstruse point of calculation, in which there are no very precise *data* to go upon; and we have reason to believe that an annuity of from 300,000*l.* to 400,000*l.* for forty-five years, will completely cover the dead expense that is likely to accrue over its present amount in the course of the next ten years. If that be so, the general result will be as follows:—The present dead expense is 5,000,000*l.* If we can contract for a fixed annuity of 2,800,000*l.*, the saving will be 2,200,000*l.*; from which, if we deduct the 300,000*l.* or 400,000*l.* which has been estimated as the sum that will be sufficient to meet the growth of the said expense for the next ten years, there will remain between 1,800,000*l.* and 1,900,000*l.*, which may be devoted to the repeal of taxation, without the abandonment of any principle which ought to be maintained. But here I must again entreat the House and the country to recollect, that this remission of taxes can be afforded only, if the arrangement which my right hon. friend will have the honour to propose can be carried into effect.

Sir, it would be highly objectionable were I to say any thing as to the particular taxes which, in that case, it may be desirable to repeal. This is a point which ought always to remain undecided until the very moment at which the repeal is proposed. Many suggestions will no doubt be made on the subject; but it would be an act of the grossest injustice, and leading to the most unfair and injurious speculations upon particular articles of commerce, if any member of his majesty's government were, in this stage of the proceeding, to drop a hint upon the subject. And, indeed hon. gentlemen who are not members of his majesty's government, ought to be very cautious how they prematurely raise an argument upon this point, lest they should unwarily occasion similar mischief. If, however, parliament shall sanction the proceeding which his majesty's government recommend to them; if we are thus enabled to relieve the country to the amount which I have described, the hon. and learned gentleman opposite will find that the total amount of taxes which will then have been remitted in the course of two years, will not fall very far short of what was contemplated in his own plan. Parliament have already repealed the husbandry-horse tax, amounting to nearly half a million; and a shilling a bushel on the malt-tax, amounting to a million and a half; and if, in addition to those sums, we are enabled, without any violation of principle or good faith, to take off 1,800,000*l.* more, that will make a total remission of taxes of above 3,700,000*l.* in the course of two years. It must also be recollected that, if these effects should result from the proposition of my right hon. friend, they will so result, not only without any thing having been taken from the sinking fund, but coupled with the determination to tie up that fund at compound interest, until it shall reach the amount of one per cent on the nominal capital of the debt. What a picture does this statement present of the resources of the country!

In making it, Sir, I have not referred to our increasing revenue, nor to any further

diminution of expenditure. On this latter point, however, I beg leave to say that, notwithstanding the reduction which has already been made in the present year, of two millions sterling, his majesty's government are not disposed to relax their efforts at retrenchment, although, in truth, the expenditure has been pared down too closely to warrant us in holding out the hope of relief to any great extent from that quarter. When, to the above statement I add that we have the prospect of being able, at no very distant period, to effect a farther reduction in the interest of the higher portions of the national debt, it is evident that, if parliament will but remain true to itself, and to the best interests of the country, by resolutely maintaining the public credit, we may look forward, in the course of a certain period of years, to a very considerable diminution indeed of the public burthens.

Sir, it remains for me to proceed to those topics which it more particularly belongs to us to discuss on the present occasion; and to offer such suggestions to the committee as grow out of the report of the select committee on the distress of agriculture. I shall now do this as shortly as I can; as there will be other opportunities for entering more fully into the details of the subject.

The first question which must naturally attract our attention is, whether this be a seasonable time for bringing under the consideration of parliament a subject of so much difficulty, and on which there exists so great a variety of opinions? Even the committee themselves seem to have entertained considerable doubts on this point; as they have not charged their chairman to make any proposition to parliament, grounded on their report. For myself, however, I must say, that when, on a former occasion, I ventured to state to the House that I thought it highly desirable that such a committee as the agricultural committee should be re-appointed, it was not with the slightest wish on my part to throw off from the shoulders of his majesty's government the responsibility attached to the duty which naturally belongs to them, of proposing to parliament any measures, however difficult or great their importance, which the welfare of the country might seem to require; but I did so rather with a view of taking the benefit of the discussions in that committee; in order that his majesty's government might be enabled to form a more accurate and comprehensive judgment with respect to the details of any measure which it may become necessary to propose, and that they might also have an opportunity of ascertaining and carrying along with them, the sentiments of those hon. gentlemen who are most competent to form an opinion on such subjects. That, Sir, was the object which I had in view in proposing to parliament the re-appointment of the agricultural committee; and I had no disposition whatever to impose on that committee the task of submitting, from themselves, any proposition to the House.

I certainly feel, not only as one of that committee, but as a member of his majesty's government, that, whatever inconvenience there may be in undertaking to make any proposal on the subject, I should not discharge my public duty if I were to shrink from the task: and I hope that, in coming forward on this occasion, I shall be considered by the House with the less disfavour, from my having received many pretty strong hints in the committee, as several of the members thereof can testify, that it would be considered an extraordinary dereliction of public duty, if his majesty's government were to suffer such a report as the agricultural report to lie on the table of the House of Commons, without proposing to parliament the adoption of some measure founded upon it. In fact, Sir, I hold this to have been most sound and correct advice; for, although there undoubtedly exists, both within and without these walls, much difference of opinion on this important and interesting subject, yet I am persuaded that we can never hope to bring the public mind to the consideration of it with more calm and temperate feelings than at the present moment. Sir, at this moment, it is purely a speculative question. The existing law prohibits the importation of corn until the price in this country shall be eighty shillings a quarter. It is now below fifty shillings; and there are no indications whatever of any sudden rise. So that what is now before us is rather an abstract contemplation of what it may be expedient to provide for some remote and uncertain period, than a proposition from which any of the parties interested can expect to derive immediate benefit, or to suffer any present inconvenience.

A noble lord opposite has this evening called the report of the agricultural com-

mittee paltry and powerless; and has spoken of it altogether in very contemptuous terms. Now, the House will do the committee, and will do me the justice to recollect, that, when I first opened the subject to parliament, I said that I was quite aware the legislature could do nothing to remedy the immediate disease—that they could do nothing to affect the present price of corn, which was the evil complained of; that the only ground on which I recommended any interference at all, was, that there were circumstances in the existing law which might work much mischief at some future period, if they were not altered; and that this was the time to alter the law, when there was no conflict of immediate interests.

If, Sir, there be this strong motive for making a change in the law, I certainly continue to think that there never was a moment at which the subject could be discussed with more temper, with a greater absence of heat, and with less embarrassment from strong and interested feeling. Not that I deny that strong feelings may be entertained on this question. On the contrary, I know that very strong, and I will add very erroneous impressions, exist with respect to it; but, were it only to give the good sense of the country an opportunity of manifesting itself on the subject, I should be ready to bring it under the consideration of parliament. I am by no means disposed, even if I had the power, to do violence to public feeling, or to propose any thing in the expediency of which the public mind would reluctantly acquiesce; but it is absolutely necessary that the country should be undeceived with respect to the numerous false principles and false impressions that have gone abroad on this subject; for never have I known a question on which there has appeared such a mass, not only of mistaken principles, but of inaccurate assertions of fact. [illegible] the strong motive to which I have already alluded for endeavouring to [illegible] some measure that may guard against the future contingent evil of the law at present in force. [illegible] opinion [illegible] I confess I [illegible] expected that, [illegible] session of parliament, [illegible] passed to avert the impending calamity; for I assert without fear of contradiction, that the degree of distress to which the existing law, if it remain unaltered, may, at some future period, give rise, cannot be rated lower than that of the most serious national calamity.

Gentlemen are aware that, as the law at present stands, the ports must necessarily open for the importation of foreign grain whenever wheat in this country shall reach the price of eighty shillings a quarter. Now, I believe there was not a second opinion in the agricultural committee, as to the evils which, in the present state of the continental market, must result from the unrestrained importation which, in that event, would immediately take place. No member of that committee went further in allowing the extent of that danger than the hon. member for Portarlington. If, in the present glut of the foreign markets, any unexpected occurrence were to open our ports, such might be the immensity of the supply poured into this country during the ensuing year—that supply being wholly unchecked and uncontrolled—that no man can describe or imagine the extent of agricultural ruin that might not be inflicted on this country; not merely for that year, but for years to come. Three, four, or five millions of quarters might be imported; indeed, it is impossible to calculate the amount of the influx. Cheap corn must be poured in with a profusion beyond all example; and, as the supply would thus be out of all proportion beyond the demand, there it would lie for many years to come, a dead weight on our agriculture, bearing it down to utter ruin.

This, however, is the most gloomy view of the subject. I do not mean to say, that there is much probability that corn in this country will soon rise to such a price as to open the ports and admit the influx of foreign corn. If the House were to ask me what I thought were the chances of such an event, I would reply, that undoubtedly they were largely against the ports opening in the course of next year; that the probability was that they would not open in the course of the following year, nor even in the year after. So [illegible] is the present [illegible] that, in my opinion, nothing can open the port short of that species of dearth which must [illegible] even if the protecting price were a hundred shillings instead of eighty. But, Sir, it is no answer to make to our [illegible] because the chances are against the agriculture of the country

being ruined in the next or the following years, that therefore we will not make any provision for its safety. For, although there is at present every prospect of an abundant harvest, some circumstance may occur such as had very nearly opened the ports last year. If by any contingency the ports were next year to be thus opened, and if the import of foreign corn shall not be restrained in the mean time by some adequate regulation, the interests of agriculture must inevitably be ruined. It behoves parliament, therefore, not to slumber on its post, when there exists even the slightest possibility of such an event; and his majesty's government would abandon their duty, if they shrunk from the task of proposing measures to guard against its occurrence. However difficult and embarrassing that duty may be, I am satisfied that whenever a government throws itself upon the good sense of the people of England, it will make a safe passage through all obstacles, even in the worst of times. Whatever differences exist as to the details of the subject, they appear to me to lie in such a narrow compass, that if the House will agree to the general principle, and the question shall become merely one of the *quantum* of duty, I am prepared to agree to any of the various propositions made to us, rather than expose the country to the terrible visitation of an indefinite quantity of foreign corn being poured into it without check or limit.

I will now state, as shortly as possible, the grounds on which I entertain a sanguine expectation that all the differences of opinion which exist, are such as may be so easily grappled with and overcome, as to enable us to pass a bill upon the subject in the course of the present session of parliament. In fact, there is very little difference of opinion in the view taken of this subject by the intelligent part of the community. All agree in considering the existing law defective in this respect, that it allows a sudden transition from absolute monopoly to unrestrained importation; not to free trade, in the sense of the hon. member for Portarlington; for if that were its effect, I should not feel such weighty objections to it, being, as I am, the advocate of a free trade, as nearly as circumstances will permit, under such regulated duties as may protect this country from danger. We are all, then, agreed not to remain under the present regulations, and thereby continue to expose agriculture to the evils attendant on a sudden and unrestrained inundation of foreign corn. If, therefore, we are agreed upon that point, and also in the opinion that, to regulate the supply to be imported, by limiting the quantity, would be matter of extreme difficulty, the regulation by duty is evidently the only practicable principle of restraint that is left; and in truth, therefore, the main question is the *quantum* of duty which it may be fit and proper to impose. It really comes to little more than to decide how we shall, in the committee on the bill, fill up the blanks; and, however important I freely allow these clauses to be, I think they cannot open a very wide field for discussion. Sir, after attentively considering the subject, it appears to me that we may divide those who, although agreeing in the general principle of a duty differ with respect to its amount, into two classes; one class wishing to carry the duty from twenty shillings to forty shillings per quarter, while the other class is of opinion, that a duty of from ten shillings to twenty shillings per quarter will be sufficient. If I am asked in which class I place myself, I answer that, for reasons which I shall hereafter explain, I must, without hesitation, avow myself to belong to the latter class.

And here, before I observe upon the particular scale of duties which it may be proper to adopt, I ought to observe that there is another very important point upon which all parties seem to be agreed. We are all agreed that there is something in the present state of the corn-market, all over the world, which not only justifies but imposes upon parliament, the necessity of treating this great question upon a principle applicable to the present moment, although such a proceeding may be found to require a revision, when matters shall be restored to their natural condition. This principle was distinctly recognized by the agricultural committee of last session; it has also been distinctly admitted by the hon. member for Portarlington. It is enough for us to know that there is a glut of corn every where, not only to justify but enjoin us to act upon a system of adequate precaution. Under such circumstances, it becomes just and wise, and even indispensable, to legislate upon a scale of duties that certainly would not be applicable if the agriculture of the world were in its natural state.

Let us examine a little the history of

the division of sentiment on this subject, and consider what it is that can make different minds, agreeing upon the general principle of affording protection to agriculture by a duty on the importation of foreign corn, nevertheless take so different a view of its application, that certain individuals shall propose a duty of from 10s. to 20s. a quarter; while others shall propose a duty of from 20s. to 40s. a quarter. Nay, there is a committee of gentlemen sitting, not far from this House, who call upon parliament to impose at once a duty of 40s.

Now, Sir, the individuals who thus call for a duty of 40s. a quarter must surely have entirely put out of their consideration that there are other charges affecting the importer of foreign corn, besides the charge to be imposed in the shape of duty. Let us consider what must be the charge on the importer of foreign corn before that corn becomes liable to the payment of any duty at all. This point was, I think, at first much underrated by the agricultural committee; and, in fact, it was the due consideration afterwards afforded to it, which gave a new bias to the opinions of a great portion of the members of that committee. I am sure I am justified in saying, that if foreign corn were brought to this country, and were to find a market immediately, it could not arrive under a charge to the importer of less than from 10s. to 12s. per quarter. Transport and insurance would amount to from 5s. to 7s. per quarter; and, allowing to the importing merchant the ordinary commercial profit of 10 per cent, that, assuming the value of the imported corn, including charges, to be 50s. per quarter, would amount to 5s. more. Such would be the charge upon the corn if it were to be sold immediately on its arrival in the ports of this country; but, if it were to lie in the warehouses only for a year (which on an average would be a very short period) a farther charge of 5s. per quarter would be incurred, and of course of 5s. per quarter more, for every subsequent year, during which it might remain unsold. Suppose, however, that we take 10s. as the minimum of the importer's certain expenses, and 5s. as the average contingent charge on the corn remaining unsold, can any persons who do not aim at effectuating a prohibition under the disguise of a duty, think of calling upon parliament to impose a duty of 40s. a quarter upon an article subject to a charge of 10s. or 12s., even if sold immediately, and which may lie two or three years in the warehouses, incurring a farther charge of five shillings a year? Parliament, I am sure, must be composed of materials very different from those which now constitute it, before it will lend itself to such a delusion upon the farmer as to impose a duty of that amount—a duty which it would be impossible to maintain. It would inevitably be repealed, at the very moment when the farmers might deceive themselves with the hope of its coming into operation. It is a proposition which stands on no practical basis; for, it would be as much as to say that we should never have any foreign corn, until corn in this country had reached a famine price of above a hundred shillings per quarter.

But, Sir, when we come to consider the question in connexion with the more moderate duty proposed, I am prepared to contend that that moderate duty will be much more effective and powerful than some gentlemen seem disposed to admit. There exists another delusion, against which I feel it necessary to protest. We have been told that foreign corn, at all times and under all circumstances, can be delivered in the London market, with a fair profit to the grower and importer, at 35s. per quarter. Whence, I ask, can so absurd a notion have originated? I do not mean to deny that, if you proceed to buy foreign corn at a very favourable moment, such as the present, when it is almost a drug in the market, you may be able to procure and import a limited quantity at 35s. per quarter. But can any body be so blind as to suppose that, if our ports were open, any considerable supply could be procured at such a price, or that the grower can have a profit upon it when it is sold at that rate? The truth is, that the foreign agriculturists are in the same state as our own. They are suffering at least as much as we do. The foreign agriculturist sells his corn at the present moment at a loss not less severe than that which is sustained by the English farmer, who sends his corn to Mark-lane, and gets only 47s. per quarter for it. It is a gross and dangerous delusion, therefore, to hold out to the country that, at all times, and under all circumstances, foreign wheat can be profitably imported at 35s. and persons who are not better informed on the subject, ought not to attempt to lead the public mind on this question. It is evidently impossible that the foreign

growers can afford to furnish corn of a good quality at any such price. The average price of corn in the market at Dantzic, for the last seven years, without at all taking into the account the charge that must attend importation to this country, has been 48s. per quarter. Now, to impose upon the public, by asserting that there is any danger of a permanent competition with our own corn in foreign corn imported at the price of 35s. per quarter, is such an error, that if it were for nothing more than to undeceive those who have been thus misled, I should think it the duty of his majesty's government to bring the present subject under the consideration of parliament.

In reverting to the other, and, as I conceive, to the much more reasonable class of individuals, I must, in the first place, observe that a great and very natural doubt prevailed in the agricultural committee, whether, in point of fact, the state of men's minds upon this important question was not at present such as to render it difficult to do any thing that would be considered satisfactory. From that source arose the reluctance of the committee to instruct their chairman to propose to parliament any particular measure, however inclined they were to recommend that measure which I am now about to propose; and which they very generally agreed to be, at all events, preferable to the existing law.

The hon. member for Portarlington's proposition is, to impose a permanently fixed duty of 20s. per quarter, descending gradually to 10s., by a diminution of one shilling per quarter in each year. The proposal which I shall have the honour to submit to the House, is—to impose, in the first instance, a duty of 12s. per quarter, with an additional duty of 5s. during the first three months of importation, when the average price of corn is at, or under 80s.; and a duty of 5s., with a like additional duty of 5s., when the price of corn is between 80s. and 85s.; after which an increase duty of one shilling only to be taken. And I understand that a right hon. friend of mine near me has another suggestion to make, namely, to impose, at once, a permanently fixed duty of 15s. per quarter. The House will have the benefit of hearing the arguments of my right hon. friend on the point; and it will rest with them to decide whether this permanently fixed duty of 15s. is preferable to the fixed duty of 12s., with the additional floating duty of 5s. shillings, which I recommend; or better than the duty of 20s. descending annually by one shilling until it falls to 10s., proposed by the hon. member for Portarlington. For myself, although adhering in preference to my own, I am perfectly willing to adopt any one of the propositions, to which parliament may be disposed to give its sanction, as infinitely preferable to the existing law; and I am now desirous of making a few observations as to what will be the real effect of any of them in protecting the agriculture of the country.

Sir, we have heard so much of parliament having done nothing, and of the agricultural committee having done nothing, to give protection to agriculture, that one would really imagine the agricultural interest was, at this moment, suffering under an import of foreign corn, whereas the price of corn is 30s. per quarter below that at which the ports can be opened! It is very unfortunate that those persons who draw up the petitions which are presented to parliament on this subject, will still return, in so many instances, to those misconceptions and inaccuracies which ought no longer to exist. They seem to suppose that protection means price; and that parliament has some charm by which it can give them the price they desire. Parliament, Sir, does not possess any such magic power; and it is really almost time for the agriculturists to cease to reproach us for not affording them sufficient protection, when they are already secured to the extent of having the absolute monopoly of the home market, up to the price of eighty shillings.

To return to my present subject;—the only question now is, what scale of protection, in the nature of duty, we shall give to the agriculturists in the contemplation of such a state of things, as may open the ports? It is agreed on all hands that, under certain circumstances, the country at large ought to enjoy the benefit of the importation of foreign corn; but that it ought to be done under a duty, which shall be so regulated as to diminish [illegible] in proportion as the real [illegible] taking [illegible] it is obvious that, [illegible] to bring the corn [illegible] from the [illegible] the market, unless [illegible] prospect of its being immediately [illegible] considerable profit. Unless there be a strong presumption that it will

be sold, no owner of foreign corn will deem it prudent to pay the duty upon it; a duty which, once paid, cannot afterwards be drawn back. It may then be brought to the verge of the market; but, when the owner of it has to pay a duty of either twelve, fifteen, or twenty shillings per quarter upon it, besides his previous outlays, which must have required a considerable capital, he will not send it into the market, unless he expect to cover his expenses and to obtain a reasonable profit. Large importations therefore may be made from abroad, but they cannot enter into injurious competition with our native produce. They will be thrown into warehouses; there the proposed duty will keep them until the supply is actually wanted, and thus the country will be protected from the influx of an inordinate quantity of grain; the foreign corn in warehouses, when the ports again close, being as much excluded from the home market, as if it were on the continent.

In considering the amount of the protection which will be afforded to agriculture; I will suppose that parliament adopts my proposition for imposing a fixed duty of 12s. and 5s. If I am correctly informed that the charge, including commercial profit upon the importation of foreign corn, cannot be less, as I have already observed, than 10s. or 12s. per quarter, (and I have the best authority for the statement), to that charge, we must add the 17s. of duty, making an abatement of from 27 to 29 shillings, in the price which the importer would obtain in the English market. Under the proposition of the hon. member for Portarlington, 3s. more, or from 30 to 32 shillings, per quarter, must be deducted; so that, when wheat is selling in the English market at 80, the foreign importer, even if he sold immediately, cannot hope to get above 50s. a quarter, all charges paid.

Now, I fear the House will begin to think that I have, notwithstanding what I before stated, placed myself in the position of proposing rather an inordinate duty than, on due consideration, I do not believe that this will be found to be so. Let me see what would be the effect of any of these duties on the market. It is perfectly fair to calculate upon the whole of the charges and duties, all outgoings to which the importer must be subject; for they will not operate upon the consumer here, in the first instance, but upon the importer and the foreign grower. Suppose, however, that an individual importing foreign corn, subjects himself to a charge and duty of 27s. per quarter, before he can receive the benefit of an English market. Suppose the price in the English market to be 70s. per quarter—at present foreign corn cannot be imported until the price is 80s.—but suppose the price to be 70 shillings, which the agricultural committee recommend to be the import price, taking 27 from 70, there would remain 43 shillings; which would be all that the importer would put into his pocket from the sale of his corn here. Now, although that price might afford a profit at the present moment, yet, if things were restored to their natural level in Europe, it would not do so. It must also be recollected that, if the ports of this country were to be open, even for the shortest time possible, the price of corn on the continent would immediately, and considerably, advance. At the present moment, the price of good corn in the ports of the Baltic is nearer 35 per quarter than 30. Such a duty, therefore, in ordinary times, would operate as a practical prohibition against the importation of foreign corn, until the price of corn in this country had reached 70s. per quarter or upwards. In former times, a duty of 25s. added to the price of corn, did in fact operate as a complete exclusion. Now, although I do not believe that a duty of 12s., with a floating duty of 5s., would operate in the same way at the present moment, on account of the abundance of corn all over the continent and its low price, yet I am convinced that such a duty would prevent any supply from reaching the market which could prove ruinous to our agriculture.

All these, however, are points which may be more fully and satisfactorily discussed when we come to the details of the measure. When the agreement in the principle of the proposition is so general, and when the difference as to the best mode of carrying that principle into effect lies in so narrow a compass, I do not despair of arriving at some proposition which shall command, not a mere majority, but the general concurrence of the House, and a great proportion of the public opinion in its favour. Whichever of the three plans before alluded to, may be adopted, I shall consider that by its operation we shall be placed in a state of absolute security, compared with the danger to which the country would be exposed, if, during the continuance of the existing law, any

contingency should suddenly raise the price of corn to eighty shillings, and thereby open the ports to an unbounded importation of foreign corn, unrestricted by the imposition of any duty whatsoever.

Having stated thus much, my hope and belief is, that there are not many obstacles in the way of the general concurrence which I confidently anticipate. I know that there is in the mind of the hon. member for Portarlington, a great reluctance to adhere to 80*s*., as the price for opening the ports; and that the hon. gentleman wishes to frame such an arrangement as may allow us to make the opening price at once seventy. My right hon. friend, however, (Mr. Huskisson,) although not himself alarmed at the prospect of opening the ports, under proper regulations, at 70*s*., yet considers it very necessary to proceed with caution so as not to alarm the country. In that point I perfectly concur with my right hon. friend. If something can be yielded to the state of opinion in the country, so as to avoid creating an unnecessary apprehension, I hold it to be a moral duty on our part to make the concession. I am therefore prepared to agree with my right hon. friend, and to continue to consider 80*s*., in the first instance, as the price to which corn must reach before the ports can be opened, with the exception of the foreign corn now in the warehouses, to which (in consideration of its present claim, under the wording of the act of 1815, to come in at 80*s*., without paying any duty,) it is proposed to extend the option of entering for home consumption, when the average price of corn shall be 70*s*., paying, however, the duty. This privilege will of course not extend to any foreign corn hereafter to be imported, and will in fact prove an additional protection to the British grower, inasmuch as a limited supply of this nature may possibly prevent the ports from being opened to an indefinite influx from abroad.

With respect to the importance of returning hereafter to a fixed import price, the hon. member for Portarlington and my right hon. friend concur in recommending its entire abolition. My opinion is not so much against the principle of the change, as against the time they would select for its adoption. If, in ordinary times, and in a natural state of things, there would be no difficulty in fixing the quantum of duty necessary to protect the interests of agriculture, without reference to any import price whatever—in such circumstances, the duty, added to the expense of bringing the corn here, would amount to the same thing as fixing an import price; and would operate an adequate practical protection. But, in the present state of things, when corn is so abundant all over Europe, unless we fix an import price in order to shut the ports when the prices are unduly reduced, there would be the danger of an immense quantity of low-priced corn finding its way into the country, notwithstanding the proposed scale of duties. The present is not the moment to try such an experiment, for even were the hon. member for Portarlington, and the other hon. gentlemen who think with that hon. member, right in their opinion on this subject, they cannot persuade the country that they are so. It is far preferable, therefore, in my opinion, to satisfy the country that its interests are not hazarded, than to adopt a measure for which their minds are not yet prepared. In short, Sir, my opinion is, that, in the present unsettled state of the corn market every where, our safest course is, not to take our protection exclusively in import price as at present, or exclusively in duty, as these gentlemen would recommend; but to combine the operation of both principles in a due degree, so that a regulated intercourse may take place, subject, however, to prohibitions whenever that intercourse shall tend to lower the price beyond that point which is consistent with a reasonably remunerating price to the home grower.

Sir, I flatter myself that I have now performed the task I undertook; and that I have fully explained to the House the nature of the propositions which it is the intention of his majesty's government to submit to them. Those propositions grow out of the proceedings of the agricultural committee. The members of that committee know that, although resting on the same principles, they are not, in all their details, precisely the suggestions of my own mind. They know that, in the committee, I opened somewhat a different plan, which, however, I was perfectly ready to modify so as to obtain a general concurrence. I trust I am not making any unbecoming disclosure with respect to the proceedings in the committee, when I declare, that I never sat in a committee engaged in the consideration of a difficult subject, in which, after full deliberation, coincidence of opinion, as to

the object in view, was more strongly marked. We all felt that some measure was indispensably necessary; and that, under the difficult circumstances of the case, the adoption of the present proposition would be much safer, than to leave the law on the subject as it now stands.

The first resolution that I shall have the honour to propose, will relate to the million to be applied in advances on British corn, to be warehoused under certain regulations—a measure, in the execution of which, time is valuable, if it is to be adopted. This resolution, it is therefore, desirable, should be first disposed of. The second resolution will be directed to the purpose of enabling persons having foreign corn warehoused under the king's lock, to grind it for re-exportation, under such regulations as may seem to parliament effectually to prevent any part of that foreign corn, so ground into flour, from coming into home consumption. My third proposition will assume the shape of several resolutions, which will go to alter the existing law, with respect to the importation of foreign corn, by establishing a scale of duties, to be levied upon corn imported; but, which will make no alteration in the price at which the ports are in the first instance to be opened—namely 80*s*. These resolutions will, however, provide that, after the ports shall have once been opened at the present price, the import price of 70*s*. shall be hereafter substituted for eighty; certainly not an unreasonable change, when we consider the material alteration which has been effected in our currency since the act of 1815 was passed, when 80*s*. was fixed as the import and remunerating price.

In addition to what I have already stated, it may be proper to call the attention of the House to the fact, that there is at present in the warehouses of this country a large quantity of corn, amounting to not less than between 8 and 900,000 quarters, of which 6 or 700,000 quarters are wheat. As this corn has been imported under the existing law, good faith requires, especially under the particular wording of the act of 1815, that if the parties require, it shall be considered as entitled to remain on the footing on which it was placed by the provisions of that law. When the ports are declared to be open, this corn will be entitled to a free admission, and all this grain might be thrown at once upon the market, without the restraint of duty. As the law now stands, not only will it be poured into the market, as fast as the warehouses can be discharged of it, but it will be brought there together with all the foreign corn that will be freshly imported. It is, therefore, a further object of my resolutions—in order to break this sudden and formidable influx of foreign grain, to allow the foreign corn already warehoused in the country, to come earlier into the market than any other importation of foreign corn, and to permit it to come there when the price shall be seventy. I am sure the House will feel, with the agricultural committee, that, to let in this foreign warehoused corn when the price is seventy shillings, subject however to duty, will not only not endanger the agriculture of the country, but will operate as a positive protection to it; as the influx into the market of this limited quantity already here may operate as a defence against the opening of the ports generally, and consequently against the influx of an unlimited quantity from without.

I have now, I believe, stated every thing necessary for the information of the House. I hope that the committee will allow the resolutions to be proposed and passed *pro formâ* to-night; with an understanding that they shall be printed and distributed among the members, and that the discussion upon them shall take place on the recommitment of the report; as that will, in all respects, be the most advantageous mode of proceeding. It is my wish to fix an early day for the presentation of the report. If my right hon. friend, the chancellor of the exchequer will take Wednesday for his financial resolutions, I think Friday will be a proper day for the purpose.—The noble lord then concluded, with moving the first of the following series of Resolutions:

1. "That it is the opinion of this Committee, that his majesty be enabled to direct Exchequer bills, to an amount not exceeding one million, to be issued to commissioners in Great Britain, to be by them advanced under certain regulations and restrictions, whenever the average price of wheat shall be under 60*s*. per quarter, upon such corn, the growth of the United Kingdom, as shall be deposited in fit and proper warehouses.

2. "That it is expedient to permit the holders of foreign corn now in warehouses, to have the same ground into flour, for the purpose of exportation, under such regulations as

may guard against the fraudulent introduction of any part of the said corn for home consumption.

3. "That whenever foreign wheat shall have been admitted for home consumption, under the provisions of an act made in the 55th year of his late majesty, the scale of prices at which the home consumption of foreign corn, meal or corn, is permitted by the said act, shall cease and determine.

4. "That foreign corn, meal or flour, shall be permitted to be imported into the United Kingdom, for home consumption, whenever the average prices of British corn shall be at or above the prices hereafter mentioned; that is to say, whenever wheat shall be at or above 70s. per qr: whenever rye, pease, or beans, shall be at or above 46s. per qr.; whenever barley, bear or bigg, shall be at or above 35s. per qr.; whenever oats shall be at or above 25s. per qr.

5. "That whenever foreign corn, meal or flour, shall be admissible, there shall be levied and paid the duties hereinafter mentioned, whether such corn, meal or flour, shall have been imported and warehoused previous to its becoming so admissible for home consumption, or otherwise; that is to say,

When imported from any Foreign Country.	Wheat.*	Rye, Pease, and Beans.	Barley, Bear, or Bigg.	Oats.
If under per quarter ..	80s.	53s.	40s. 0d.	28s. 0d.
High Duty	12s. 0d.	8s. 0d.	6s. 0d	4s. 0d.
Additional, for first 3 months	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d.
If at or above per qr. ..	80s.	53s.	40s. 0d.	28s. 0d.
But under do. ...	85s.	56s.	42s. 6d.	30s. 0d.
First low duty	5s. 0d.	3s. 6d.	2s. 6d.	2s. 6d.
Additional for first 3 months	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d.
If at or above per quarter	85s.	55s.	42s. 6d.	30s.
Second low duty	1s. 0d.	0s. 8d.	0s. 6d.	0s. 4d.
	Duty upon Wheat meal and flour, to be as follows:			Duty upon Oatmeal to be as follows:
First high duty per cwt. when Wheat is under 80s. per quarter	3s. 3d.			*High duty per boll, when Oats are under 28s. per qr.* 4s. 10d.
Additional, for first 3 months	1s. 7d.			Additional, for first 3 months .... 2s. 2d.
First low duty, when wheat is at or above 80s. per quarter, but under 85s. per qr.	1s. 7d.			*First low duty, when Oats are at or above 28s. per qr. but under 30s. per quarter* ..... 2s. 2d.
Additional, for first 3 months	1s. 7d.			Additional for first 3 months .... 2s. 2d.
Second low duty, when wheat is at or above 85s. per quarter ...	0s. 4d.			*Second low duty, when Oats are at or above 30s. per quarter* ..... 0s. 6d.
	Malt made of Wheat prohibited.	Rye ground, or malt made of Rye, Pease ground, and Beans ground prohibited.	Barley, Indian Corn, or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn or Maize Bear or Bigg, Prohibited.	Malt made of Oats Prohibited.

6. "That it is the opinion of this Committee, that whenever the scale of prices at which the home consumption of foreign corn, meal or flour, is permitted by the said act, shall cease and determine, then the scale of prices at which corn, meal, or flour, being the growth, produce, or

manufacture, of any British colony or plantation in North America, is admissible for home consumption, shall also cease and determine."

7. "That, corn, meal, or flour, the growth, produce, or manufacture, of any British colony or plantation in North America, shall be permitted to be imported into the United Kingdom, for home consumption, whenever the average prices of British corn, shall be at or above the prices hereinafter mentioned; that is to say, whenever wheat shall be at or above 59s. per qr.; whenever rye, pease, and beans, shall be at or above 39s. per qr.; whenever barley, bear or bigg, shall be at or above 30s. per qr.; whenever oats shall be at or above 20s. per qr.

8. "That whenever the prices of British corn shall be below the prices before specified, corn or meal, or flour, made from any of the respective sorts of corn before enumerated, the growth, produce, or manufacture of any British colony or plantation in North America, shall no longer be allowed to be imported into the united kingdom for home consumption.

9. "That, whenever, corn, meal or flour, of the growth, produce, or manufacture, of any British colony or plantation in North America, shall be admissible for home consumption: there shall be levied and paid the duties hereinafter mentioned, upon all such corn, meal, or flour, when admitted for home consumption, whether such corn, meal or flour, shall have been imported and warehoused previous to its becoming so admissible for home consumption, or otherwise; that is to say,

When imported from the Province of Quebec, or the other British Colonies or Plantations in North America.	Wheat.	Rye, Pease, and Beans.	Barley, Bear or Bigg.	Oats.
If under per quarter ..	67s.	44s.	33s. 0d.	22s. 6d.
High duty	12s. 0d.	8s. [illegible]	0s. 6d.	4s. 0d.
Additional, for first 3 months ...	5s. 9d.	3s. 0d.	2s. 6d.	2s. 0d
If at or above per. qr.	67s.	44s.	33s. 0d.	22s. 6d
But under do. ...	71s.	46s.	35s. 6d.	24s 0d.
First low duty	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d
Additional, for first 3 months ...	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d
If at or above per qr.	71s.	46s.	35s 0d.	24s 0d
Second low duty	1s. 0d	0s. 8d.	0s. 8d.	0s 4d
	Duty upon Wheat, Meal or Flour, to be as follows.			Duty upon Oatmeal to be as follows
First high duty per cwt. When wheat is under 67s. per qr. .	3s. 3d.			*High duty per boll, when Oats are under 22s. 6d. per qr.* . 4s 10d.
Additional, for first 3 months	1s. 7d.			Additional for first 3 months... 2s 2d.
First low duty, when Wheat is at or above 67s. per qr. but under 71s. per qr.	1s. 7d.			*First low duty, when Oats are at or above 22s. 6d. per qr. but under 24s ditto* 2s. 2d
Additional, for first 3 months	1s. 7d.			Additional, for first 3 months. ... 2s. 2d.
Second low duty when Wheat is at or above 71s. per quarter ...	0s. 4d.			*Second low duty, when Oats are at or 24s. per qr* 6d
	Malt made of Wheat, prohibited.	Rye ground, or Malt made of Rye, Pease, ground, and Beans ground prohibited.	Barley, Indian Corn, or Maize, Bear or Bigg ground, and Malt, made of Barley, Indian Corn or Maize, Bear or Bigg, prohibited.	Malt made of Oats prohibited.

10. "That, foreign corn, meal, or flour, in warehouse, may be taken out of warehouse for home consumption, whenever the average prices of British corn shall be as follows; that is to say, whenever wheat shall be at or above 70*s.* per qr; whenever rye, pease or beans shall be at or above 46*s* per qr.; whenever barley, bear, or bigg shall be at or above 35*s.* per qr.; whenever oats shall be at or above 25*s.* per qr.

11. "That no such foreign corn, meal, or flour, in warehouse, shall be taken out of warehouse, unless there be previously paid upon such corn, meal, or flour, the several duties following; that is to say,

When imported from any Foreign Country	Wheat.	Rye, Pease, and Beans.	Barley, Bear, or Bigg.	Oats.
If under per quarter .	80*s.*	53*s.*	40*s.* 0*d.*	28*s.*
High duty	12*s.* 0*d.*	8*s.* 0*d.*	6*s.* 0*d.*	4*s.* 0*d*
Additional, for first 3 months	5*s.* 0*d.*	3*s.* 6*d.*	2*s.* 6*d.*	2*s.* 0*d.*
If at or above per qr ..	80*s.*	53*s.*	40*s.* 0*d.*	28*s.*
But under do ...	85*s.*	56*s.*	42*s.* 6*d.*	30*s.*
First low duty	5*s.* 0*d.*	3*s.* 6*d.*	2*s.* 6*d.*	2*s.* 0*d*
Additional, for first 3 months	5*s* 0*d.*	3*s.* 6*d.*	2*s.* 6*d.*	2*s.* 0*d.*
If at or above per qr. .	85*s.*	55*s.*	42*s.* 6*d.*	30*s.*
Second low duty	1*s.* 0*d*	0*s.* 8*d.*	0*s.* 6*d.*	0*s.* 4*d.*
	Duty upon Wheat, Meal and Flour, to be as follows			Duty upon Oatmeal to be as follows:
First high duty per cwt. when Wheat is under 80*s. per quarter* ..	3*s.* 3*d*			*High duty per boll, when Oats are under* 28*s* *per qr.* 4*s.* 10*d*
Additional, for first 3 months	1*s.* 7*d.*			Additional, for first 3 months .... 2*s.* 2*d.*
First low duty, when Wheat is at or above 80*s. per qr., but under* 85*s. per qr.* .	1*s.* 7*d.*			*First low duty, when Oats are at or above* 28*s. per qr but under* 30*s. per qr.* ...... 2*s* 2*d.*
Additional, for first 3 months .. .	1*s.* 7*d.*			Additional, for first 3 months 2*s.* 2*d*
Second low duty, when Wheat is at or above 85*s per quarter* ...	0*s.* 4*d*	- -	- -	*Second low duty, when Oats are at or above* 30*s. per qr.* 0*s.* 6*d*
	Malt made of Wheat prohibited.	Rye ground, or Malt made of Rye, Pease, ground, and Beans ground prohibited.	Barley, Indian Corn, or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn, or Maize, Bear or Bigg prohibited.	Malt made of Oats, prohibited.

12. "That any corn, meal, or flour, of the growth, produce, or manufacture of any British colony or plantation in North America, in warehouse, may be taken out of warehouse for home consumption, whenever the average prices of British corn shall be as follows; that is to say, whenever wheat shall be at or above 59*s.* per qr.; whenever rye, pease and beans shall be at or above 39*s.* per qr.; whenever barley, bear, or bigg shall be at or above 30*s.* per qr.; whenever oats shall be at or above 20*s.* per qr.; and such corn, meal, or flour shall be liable, on being taken out of warehouse, to the duties following; that is to say,

When imported from the Province of Quebec, or the other British Colonies or Plantations in North America.	Wheat.	Rye, Pease, and Beans.	Barley, Bear, or Bigg.	
If under per quarter ..	67s.	44s.	33s. 0d.	22s. 6d.
High duty	12s. 0d.	8s. 0d.	6s. 0d.	4s. 0d.
Additional, for first 3 months	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d.
If at or above per qr. .	67s.	44s.	33s. 0d.	22s. 6d.
But under do.	71s.	46s.	35s. 0d.	24s. 0d.
First low duty	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d.
Additional, for first 3 months	5s. 0d.	3s. 6d.	2s. 6d.	2s. 0d.
If at or above per qr. .	71s.	46s.	35s. 0d.	24s. 0d.
Second low duty	1s. 0d.	0s. 8d.	0s. 8d.	0s. 4d.
	Duty upon Wheat, Meal or Flour, to be as follows:			Duty upon Oatmeal to be as follows:
First high duty per cwt. when Wheat is under 67s. per quarter ...	3s. 3d.			*High duty per boll, when Oats are under 22s. 6d. per qr.* . 4s. 10d.
Additional, for first 3 months	1s. 7d.			Additional, for first 3 months .... 2s 2d.
First low duty, when Wheat is at or above 67s. per qr. but under 71s. per quarter ...	1s. 7d.			*First low duty, when Oats are at or above 22s. 6d. per qr. but under 24s. do* .... 2s. 2d.
Additional, for first 3 months	1s. 7d.			Additional, for first 3 months 2s. 2d
Second low duty, when Wheat is at or above 71s. per quarter ...	0s. 4d.	- -	- -	*Second low duty, when Oats are at or above 24s. per qr.* 0s 6d
	Malt made of Wheat prohibited.	Rye ground, or Malt made of Rye, Pease, ground, and Beans ground, prohibited.	Barley, Indian Corn, or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn, or Maize, Bear or Bigg prohibited.	Malt made of Oats prohibited.

13. "That whenever the ports of the United Kingdom shall be shut against the importation of foreign corn, meal, or flour, for home consumption, the said ports shall be also shut against the importation of corn, meal, or flour, the growth, produce, or manufacture of the islands of Guernsey, Jersey, Alderney, and Sark."

Mr. *Western*, after observing that he thought, the propositions made by the noble lord might be more advantageously considered in detail at a future period, confessed that he had been much astonished at the introduction in the noble lord's speech of many most important topics, which, in his opinion, were very much misplaced, and would have been much better in the hands of the chancellor of the exchequer. With respect to the resolution for issuing a million to be applied in advances on stored corn, he was persuaded it would not give any material relief. Indeed the noble lord himself did not hold out any hope of adequate relief to the agriculturist. In his opinion, speculations of that kind ought not to be made with the public purse. If they were to take place at all, they ought to proceed from individuals, and not from the government. All the other propositions of the noble lord tended to increase the circulating medium, but not in the manner that would be most advantageous. It had, however, been that night distinctly ad-

mitted by the noble lord, and indeed it was generally acknowledged and felt by every intelligent man in the country, that the contraction of the circulating medium was the cause of the present distress. That contraction did not press equally on all classes. The manufacturer was carrying on his trade with a fifth more profit than the agriculturist. The House and the country certainly did not expect the propositions which the noble lord had made to extend the circulating medium; but they were nevertheless of a futile nature. It was something, however, that the baneful operation of the act of 1819 began to be seen and acknowledged by all parties. It was an act which, in fact, was in operation in consequence of the preparations made for it, before it had received the sanction of parliament. It had reduced the country to a state which it was impossible to contemplate without dismay. From that condition it would be impossible to escape without retracing some of our steps. As to the proposition for extending the time of issuing country bank notes of a small value, the effect would be so to depreciate that paper, that it would not constitute a circulating medium satisfactory in its character to the country. Hundreds, nay thousands of victims had been sacrificed to the experiment of 1819. The act of 1819 had, by itself, lowered the price of corn below the sum which it invariably produced previous to the war. It was possible, that the price of corn might advance, but that advance could not be permanent. The diminution of the value of produce was not confined to agriculture: a similar diminution was to be found in the value of all other commodities, the produce of human industry. In 1818, the declared, which was the real value of exports, exceeded the official value in the proportion of 29 per cent: in 1821, the official value exceeded the real value at the rate of 12¼ per cent, making a depreciation in the price of manufactures, within that period, of 41½ per cent. Nothing but the repeal of the act of 1819 would give relief to the agriculturists.

Mr. *Ricardo* said, that, having a proposition which he wished to submit to the House, he offered himself thus early to the committee. He was desirous of laying his proposition before the House, as the noble lord had laid his, in order that the House might have an opportunity of judging of their several merits. The hon. member for Essex had said, that the noble lord's plan would have the effect of extending the paper currency. He cared not whether it would or would not; for he knew full surely that they had at present as extended a currency as the state of the country required. The present plan—however it might be disguised—was an attack upon the sinking fund. The sinking fund was in principle relinquished. He cared not whether the ultimate accumulation was to be 7,000,000*l*. or 9,000,000*l*.; the present plan was a breach of public faith, so far as the application of the sinking fund could be a breach of faith. There was, in fact, no longer any sinking fund. He solemnly protested against prolonging the charter of the Bank. They had repeatedly called on the chancellor of the exchequer not to enter into any engagement with the Bank for a renewal of their charter. Yet it was now said, that there would be an extension for 10 years, for an object for which it was totally insufficient. It would be a great improvement that the public should be allowed to enter into partnery concerns for supplying their own money transactions, instead of having them intrusted for 10 years longer to the Bank. He had hoped never to have heard of their charter being renewed. The benefit of the paper currency ought to belong to the public. No advantage could ever be derived from the Bank lending money to the public.—With respect to what the noble lord had said of their plans differing very little, he thought there was the most essential difference between them. He (Mr. R.) proposed that a duty of 20*s*. per quarter should be imposed on the importation of wheat when the price rose to 70*s*. The noble lord supposed that he (Mr. R.) had adopted this of choice; but instead of that, he considered it as forced upon him, and he consented reluctantly to this duty, on account of the distress which now existed, and only on that account. There was another very important difference. He proposed that this duty should be imposed when wheat rose to 70*s*., because agriculture was at present so extremely depressed. But the noble lord proposed 80*s*., 85*s*., 70*s*., and brought nearer all of them to the importing price, while he (Mr. R.) differed upon that point, and by imposing a duty of 20*s*. when the price was lower at home, afforded a greater relief to the farmer. He thought the farmers the most dis-

tressed class in the country, and the most cruelly used. When the prices rose in consequence of a short harvest, and when the farmers ought to have compensation, they diminished their profits, and let corn in from all parts of the world. This great evil the noble lord did not propose to remedy. If the price rose to 85s., it was only required to pay a duty of 1s., and the poor farmer might be inundated with foreign corn. But another difference between him and the noble lord was this —he (Mr. R.) contended, that there could be no security to the farmer while the price of corn was kept higher in this country than in foreign countries. This had been ably shown in the last year's agricultural report. Did the noble lord propose to relieve the agriculturists from this evil, or to afford any mitigation of it? No. Therefore they would be fully as ill off as now. According to his (Mr. R.'s) plan they would be sure that the prices here could not be much higher than they were abroad. He would read the propositions, which he hoped the noble lord would be prevailed on to admit with his own; if not, he hoped the House would decide respecting it. They were as follow:

1. "That it is expedient to provide that the foreign corn now under bond in the United Kingdom may be taken out for home consumption, whenever the average price of wheat, ascertained in the usual mode, shall exceed 65s. a quarter, upon the payment of the following duties:—Wheat 15s. a quarter; rye, peas, and beans, 9s. 6d. a quarter; barley, bear, or bigg, 7s. 6d. a quarter; oats, 5s a quarter.

2. "That whenever the average price of wheat, ascertained in the usual mode, shall exceed 70s. a quarter, the trade in corn shall henceforth be permanently free, but subject to the following duties upon importation:—Of wheat, 20s a quarter; rye, peas, and beans, 13s. 3d a quarter: barley, bear, or bigg, 10s. a quarter; oats, 6s. 8d. a quarter.

3. "That at the expiration of one year from the time at which the above duties on corn imported shall be in operation, they be reduced as follows:—On wheat, 1s. a quarter; rye, peas, and beans, 8d. a quarter; barley, bear, or bigg, 6d. a quarter; oats, 4d a quarter.

4. "That a like reduction of duties be made in every subsequent year, until the duty on the importation of wheat be 10s. a quarter; rye, peas, and beans, 6s. 7d. a quarter; barley, bear, or bigg, 5s, a quarter; oats, 3s. 4d. a quarter, at which rates they shall henceforth be fixed.

5. "That a drawback or bounty be allowed on the exportation of corn to foreign countries. On wheat, 7s. a quarter; rye, peas, and beans, 4s. 6d. a quarter; barley, bear, and bigg, 3s. 6d. a quarter; oats 2s. 4d a quarter; and that such drawback or bounty in like manner as the importation duty be fixed."

Mr. *Brougham* thought, that notwithstanding the very proper delay of the main question, it would not be improper to consider some of the minor points. He did not wish to argue whether the distress of which the agriculturists were complaining was peculiar to them, or whether it was less confined in its operation; whether it confined itself to them, or spread itself over the other classes of the community; whether, in short, the whole country was in a state of suffering, or that all which the agriculturists lost was gained by the other classes. He thought that the course of argument which he should adopt, when the great question came to be discussed, would be, that the whole country was suffering. The late events had shown this; and he could not help remarking, that no statesman, no government, could regard it in any other light. If the whole was suffering, then there was nothing to set off against the agricultural distress. He was not prepared to admit that the condition of any one class of the people was good. If the agriculturists were suffering more severely than the manufacturers and commercialists, still their distress was comparative. The others were not to be reckoned prosperous. Moreover, though wages were better, in reference to the high prices which had been formerly paid for provisions, yet the prospect for workmen was extremely precarious. The profits of those who employed workmen, too, were extremely moderate. If, then, in this state of wages and profits, any increase of prices should take place, the altered state of things would reduce others to that distress to which the farmer had fallen. One project which the noble lord had brought forward was a kind of substitute for one which had been on the point of emanating from the agricultural committee. He alluded to the project for the hiring of corn. He knew not who was the author of it. It was not the author of last year's report, he was sure; but if he saw him opposite to him, he congratulated him on one of the most ridiculous contrivances which had ever been invented. It was this signal device: "Whereas there is a difficulty in obtaining a demand for corn, and the farmer cannot sell, God forbid the government

should come into the market as a corn-dealer, because the government ought not to become a purchaser, and particularly in corn; therefore, let not government become a buyer, but only a hirer of corn. God forbid that government should resort to corn-dealing; but let it betake itself to pawnbroking, and let the three golden balls be fixed in front of the Treasury." The noble lord had rejected that project, but had now brought forward a substitute for it. Government must not let, but the farmer might borrow. The government came forward as a money-lender; and for every cart-load of corn which he brought, the farmer could obtain the loan of so much money. He objected to this extraordinary project of the noble marquis, not only on account of its absurdity, but of its total inefficacy. The object which the noble marquis had in view with respect to the bankers was, as he understood it, the extension of the act to enable bankers to issue notes under 5*l.* to the year 1833. This measure was liable to many objections. He did not think it would tend to force paper into circulation. So long as the present act continued in force, by which the Bank would be compelled to pay in specie, and the country banks he supposed would also be compelled to adopt the same course, the power of issuing notes under 5*l.* for about 7 or 8 years would only operate as a permission to issue small instead of large notes, but still having the circumstance of their liability to be converted into specie at any time hanging over them. If, however, the proposed measure was not liable to the objection of causing a forced circulation, it would have a tendency to maintain paper money afloat, from the preference which would be given to small notes over coin; for he would admit that if a paper circulation were not liable to many important objections, which could not be alleged against a metallic currency, its advantage, as compared with the latter, on the point of convenience, was manifest. Among the disadvantages attending a paper circulation, was its liability to be forged. It ought also to be considered in what a situation we should be placed, in case of any alarm in the public mind, with a circulation filled with paper, instead of being scantily supplied with paper and nearly filled with gold. In case of a war, for instance, under what great disadvantages the country would labour in having a paper instead of a metallic currency. Even with a natural and healthy paper currency, such an event as he had alluded to would create great inconvenience; but with a currency composed principally of the small notes, which would be thrown into circulation by the permission which was proposed to be given to bankers, the consequences would be disastrous. In such a state of things, how dreadful was it to contemplate the occurrences of a similar event to that which happened in 1793, and which afterwards drove us to adopt measures in 1797, the end of the mischief resulting from which the present generation had not lived to see, and those who came after them would live long before they saw.—With respect to the extension of the charter of the Bank for 10 years longer, he was of opinion that the consideration to be given by the Bank was wholly inadequate to the extent of the benefit. It would have been much more advisable to have refrained from entering into such an improvident bargain for the attainment of a small benefit at the present moment. He had never seen the maxim that "the needy party always goes to the wall" better exemplified than in the projected bargain. He could not perceive any good effect which was likely to result from encouraging banking speculation all over the country. He knew that farmers found no difficulty in obtaining money, provided they could give security for it; but no banking firms, whether consisting of the present, or of an increased number of members, would make advances without receiving good security, which the farmers could not give. Over-trading was one of the causes of the present distress; and therefore any thing tending to increase the facilities of over-trading ought to be anxiously avoided. He would now endeavour to state the nature of the scheme which the noble marquis had, after so much preparation, laid before the House. The dead weight amounted to 5,000,000*l.* in the nature of annuities on many lives. As those lives dropped off the annuities would fall in. Consequently, the 5,000,000*l.* would dwindle gradually every year until at last nothing of that sum would remain. The noble marquis said, he would take 2,800,000*l.* and pay it equally and steadily, never exceeding or falling short of that sum, during the 45 years, to which the calculation extended. By this means he would set 2,200,000*l.* free. It was necessary, however, that the noble lord

should get this money somewhere, and he applied to contractors, who were to pay it for the first 16 years, without deriving any benefit; after that period, they might calculate upon lives continually dropping in, and their gains would go on increasing every year, until at last, they would perhaps have to pay nothing, although they would continue to receive the same sum as before. The principle of the sinking fund, to which he could not agree, was, to relieve posterity at the expense of the present oppressed generation: and the principle of the noble marquis's plan was, to relieve the present generation at the expense of posterity. This scheme of farming out the invalids might be applied to any other fund: there was no limit to the application of the principle if once it were admitted. He did not doubt, that persons would be found to undertake the job; but the House might depend upon it that they would make the country pay smartly for it. And all this was done because ministers would not give up an empty name. They would saddle the country with all the expense of maintaining the clumsy machinery by which this scheme was to be carried on, in order to make the public believe that a sinking fund was in existence, when at the same time it was evident that there could be no sinking fund, but that arising from a clear surplus of revenue over expenditure. He had never said, that a sinking fund, on a sound principle, was not a great advantage. To a nation groaning under a debt of 800,000,000*l.*, it would be the best thing possible to have a clear excess of revenue over the necessary expenditure, and that that surplus should be employed every year in paying off a certain portion of the debt. But, were we at present in a situation to pay off any part of our debt? To pay the interest, which was all that we were bound by contract to do, was as much as the suffering people could perform. Until the surplus of revenue increased, and taxation was diminished, he would put a stop to the operation of the sinking fund.—With respect to the corn question, he thought the noble marquis was mistaken in supposing that the distinction between his plan and that of the hon. member for Portarlington consisted only in the difference of superstructure: the distinction was in the principle. The noble marquis proposed to relieve the distresses of the country by the operation of the sinking fund, and by the plan with regard to the dead weight; but of the diminution of expenditure the noble marquis had said not one word. The House would not do its duty if it suffered the session to pass, without forcing the noble marquis and his colleagues to have recourse to the only means of obtaining a true and wholesome income—namely, a rigid parsimony in the management of the public money.

Mr. *Huskisson* agreed with the hon. and learned gentleman, that the only real sinking fund was that which was composed of a clear excess of revenue over expenditure. He declared that he would object to the plan proposed, if he thought it in any way touched upon the principle of the sinking fund. Another part of his noble friend's plan, went to extend the period during which country bank notes, under the value of 5*l.* were to be allowed to circulate, and also to relieve the country banking-houses from their present limitation of partners. He had been surprised when the hon. member for Essex asserted, that government could not continue the circulation of those 5*l.* country notes, without repealing a part of Mr. Peel's bill. He begged to contradict that statement most decidedly. The present plan, so far from being suggested because the measure of 1819 was repented of, was at all points perfectly consistent with that measure; and he (Mr. H.) in the committee upon the bill of 1819, had actually proposed that the present plan should at that time be recommended to parliament. With respect to 1*l.* notes, whether those notes were issued by country banks under the old limitation, or by country banks with an unlimited number of partners, their credit was secured by their convertibility at pleasure into Bank of England notes or into cash. But he did not believe that, on the removal of the limitation, banks would start up like mushrooms, as the hon. gentleman had predicted. Let the House look at the state of the banks in Scotland, which were already free from limitation. Had any of those banks failed of late years from over trading? Was it found that they had made improvident advances among their own partners; or had it been found, as was too frequently the case in England, that men embarked in the banking business, in order to prop up other hazardous speculations? Yet the banks of Scotland issued one pound notes, and presented a fair example to justify the experiment. With res-

pect to forgery, the number of trials for notes forged on the country banks was very inconsiderable, and he doubted whether in Scotland one man had been executed for many years. At all events, he was not to be deterred, by the existence of some objections, from the adoption of any measure involving a great national object. But, were not bills of exchange liable to be forged as well as bank-notes? And was not the number of persons tried for the issue of counterfeit coin to be looked to, when the hon. and learned gentleman laid so much stress on the prosecutions for forgery? He believed it would be found, that 280 convictions had taken place in the course of the last year, for the crime of counterfeiting the coin of the realm. The hon. and learned gentleman had said, that he did not consider the other classes of the community as being at all in a flourishing situation, and that even if they were, that circumstance could not console him for the distressed state of the agricultural classes. It was true that the evil was of a most appalling description; but still he could not agree that there was no consolation in seeing that the other classes were better off at present than they had been. He would admit, that it was no compensation to be told this; but surely it ought to console them in some measure. That the manufacturers, and the working classes generally, were in a state of comparative ease and comfort, was undeniable. He defied any man upon any other principle to account for the known fact, that the produce of the taxes upon consumption was gradually and steadily rising. The hon. and learned member had mentioned a plan, which he had placed in a ludicrous light, calling it a pawnbroking plan. He (Mr. H.) knew nothing of any such plan, but he would state to the House what had occurred in the last year's committee. An hon. friend of his, not now present (the member for Taunton), looking at the situation in which the country was placed, with a monopoly of corn, and a prohibition of trade in that article, had given it as his opinion, that no plan could give such effectual relief to the market, as that government should buy up the surplus in years of abundance, keeping it, to be dealt out in years of deficiency, and so suiting in both cases the supply to the demand. To that proposal he (Mr. H.) had objected upon principle. But, if a country chose to proceed out of the fair legitimate course of trade, and to take up and persevere in an artificial system, some measure, not in itself desirable, might become absolutely necessary as an antidote to the dangers of that system. If this country would place itself in the situation of having no free intercourse with other nations in the trade in corn, and still continued liable to the fluctuation of seasons, it followed of course, that a wise permanent system would be to try if possible to hoard the surplus of a year of plenty to meet the possible exigency of an unfavourable harvest. He (Mr. H.) did not recommend the plan which he was about to mention; but some measure was necessary both for the grower who would be ruined by an overstocked market in full years, and for the consumer, who would want protection against the scarcity of bad ones. He did not recommend the plan as good in itself; but he thought it less injurious than the plan of the hon. member for Taunton; and the plan he suggested was this:—It had long been the policy of England to give a bounty upon the exportation of corn; the suggestion was, to convert that which, according to old principles, had been a bounty upon exportation, into a small advantage upon the hoarding of corn. No money was to be advanced by government. No three balls were to be hoisted. It was merely giving something like the amount of the old bounty in another shape. He admitted freely that this system was a bad one, but it was a bad system growing out of a bad course of policy. The right hon. gentleman then alluded to the proposition as to the conversion of the annuity for lives into an annuity for a term of years. The hon. and learned gentleman had talked of the expensive machinery attendant upon that proceeding: he could assure the House that no arrangement could be more simple. He would not at that late hour detain the House by opening or explaining the resolutions which he intended to move. He would lay them on the table, and remain satisfied with their being printed. When the House met again on the subject, he would state the cause of the difference between the resolutions proposed by him and those proposed by his noble friend. The course he should suggest was, that the resolutions being put pro forma, the chairman should report progress upon the first resolution. The whole of the resolutions might then be printed, and handed about among the

members. The right hon. gentleman was about to sit down; but several voices called for the reading of his resolutions. He accordingly read them as follow:

1. "That the ports of the United Kingdom were shut against the importation of foreign wheat, for home consumption, in the month of February, 1819, the average price being then 78*s.* 7*d.* a quarter, and that they have remained closed ever since; the average price of the year 1820 having been 65*s.* 7*d.*—of the year 1821, 54*s.* 5*d.*—and of the three first months of 1822, 47*s.* 9*d.* a quarter.

2. "That in the year 1819, the quantity of British wheat imported into the port of London was 300,416 quarters; in 1820, 390,009 quarters; and in 1821, 494,828 quarters; and that during the whole of this period of three years, the supply, in all the principal markets of the United Kingdom, appears uniformly to have exceeded the demand, notwithstanding the wants of an increasing population, and other circumstances, which have probably produced an increased annual consumption.

3. "That this excess of the supply above the demand must have arisen either from an extent of corn tillage more than commensurate to the average consumption of the country; or from a succession of abundant harvests upon the same extent of tillage; or from the coincident effect of both these causes.

4. "That in the fluctuation of seasons, the effect of the present corn law must be, to expose, sometimes the grower of corn to the losses incident to an over redundant produce, and at other times the consumer to the pressure inseparable from dearth; that the free importation of foreign corn (the remedy provided by the law for the latter evil), if wanted to a great amount, must be precarious in proportion as the demand is unusual; and that against the former evil the law affords to the grower no relief whatever.

5. "That the alternate evils of redundancy and scarcity cannot fail to be aggravated by the alternate excitement and depression to which the agriculture of the United Kingdom must be exposed, under the present system of our corn laws.

6. "That another evil effect of this system is, to convert farming into a hazardous and gambling speculation, which, however prudently managed, must occasionally involve great losses to the capitals engaged in agriculture.

7. "That a free trade in foreign corn, subject to certain duties on the importation thereof for home consumption, was at all times permitted, prior to the act of the 55th Geo. 3rd, c. 26.

8 "That since the passing of that act, by which such importation is prohibited until the average price of wheat shall have reached or exceeded, for a certain time, 80*s.* a quarter, and other grain in proportion, a great accumulation of foreign corn has taken place in the warehouses of this country, and of the continent.

9. "That to obviate the prejudicial effects of that act, and to ensure a regular supply of grain, at prices as much as possible steady and moderate, it is expedient to provide for the repeal of so much of the said act as prohibits, under certain prices, the importation of foreign grain for home consumption.

10. "That in order to render this repeal safe to the grower of British corn, and gradual in its operation, under the present accumulation of foreign grain in the warehouses of this country and in the ports of the continent, it is expedient to provide that the foreign wheat now under bond in the United Kingdom may be taken out for home consumption, upon the payment of a duty of 15*s.* per quarter, as soon as the average price of wheat, ascertained in the usual mode, shall exceed 70*s.* a quarter; and that at the expiration of three months from the date of such admission of warehoused wheat into home consumption, or so much sooner as the average price shall exceed 80*s.* a quarter, wheat from abroad may be admitted, upon the payment of the like duty.

11. "That the trade in foreign corn shall thenceforth be permanently free; but subject to the following duties upon importation, or when taken out of warehouse for home consumption:—wheat, 15*s.* a quarter, when the price shall not exceed 80*s.*; and when above that price, 5*s.*; and above 85*s.*, one shilling;—rye, peas, and beans, 9*s.* 6*d.* a quarter, when the price shall not exceed 53*s.*; and when above 53*s.*, one shilling;—barley, bear or bigg, 7*s.* 6*d.* a quarter, up to 40*s.*; and when above that price, one shilling;—oats, 5*s.* a quarter, up to 28*s.*: and when above that price, one shilling."

The chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Tuesday, April 30.

ROMAN CATHOLIC CLAIMS.] Mr. Peel presented a petition from the university of Oxford against the Roman Catholic claims.

Sir *T. Lethbridge* took that opportunity of declaring his opinion, that if the motion that night about to be made by a right hon. gentleman was carried, the whole object would have been accomplished. The reason why petitions had not been numerously laid on the table, was, that the great body of the people were so absorbed in the consideration of their own distresses as to be totally indifferent to all political subjects. He protested, however, against their silence being construed in favour of that motion. The people still continued decidedly hostile to the question. He trembled, however, at the probable effect of the right hon. gentleman's (Mr. Canning's)

eloquence: he trembled, because he himself had too lately been an instance of its captivation. A few nights ago, he came down with the intention of voting with the noble lord (J. Russell), until he had heard the very eloquent speech of the right hon. gentleman. He had a right to argue, that the same influence which that eloquence had had over his mind, might, on the present question, be equally persuasive over the minds of others, and lead them from the true and strict path of their duty [loud laughing]. Being himself an instance, he thought it right that members should be cautioned. He did believe that the great body of the people required a more adequate share of the representation; and such a proposition he should support when brought forward in a manner more reconcileable to his feelings.

Ordered to lie on the table.

Roman Catholic Peers Bill.] Mr. *Canning* rose and said:*

Sir; if I could flatter myself with the expectation of conveying to the minds of those who hear me, the same conscientious conviction that is impressed upon my own, of the justice and expediency of the measure which I am about to recommend to the consideration of the House, I should approach this question with a feeling of confidence such as I have never before experienced. If I now approach it with feelings of a mixed nature; with much of hope, indeed, but with much of trepidation and anxiety, it is because, if my motion should unhappily fail of success, (I trust it will not fail) I have no refuge in the doubtfulness of my case, none in the paucity of arguments to be adduced in support of it, from the painful but unavoidable conclusion, that a cause unquestionably just will have been lost by the inability of its advocate.

Before I proceed to state the grounds on which I shall call on the House for the removal of the disabilities under which Roman Catholic peers labour with respect to their undoubted right of sitting and voting in parliament, it may be expedient to get rid of some particular and preliminary objections, which have been made, rather to the manner and form than to the principle of the proposition which I am bringing forward; some within the walls of this House, others in conversation out of doors.

The first objection which I shall notice, is one which was originally started by the hon. member for Bristol (Mr. Bright) and has been just now repeated by the hon. member for Somersetshire, that this motion for the admission or rather the restoration of the Roman Catholic peers to parliament, is an insidious attempt to obtain a partial decision on the whole of what is called the Catholic question. In contradiction to this objection comes another, which asserts, that the separation of one class of the Catholic community from the rest, must necessarily prejudice the whole. I might in fairness set these contradictory objections face to face, and leave the one to balance the other; but I will offer a word or two on each. If my measure be a step to advance the general question, it cannot prejudice that question; if it be, on the other hand, an obstacle to the success of the general question, then surely it must be hailed with delight by those who wish that question to be lost.

In one sense, I admit, the proposed measure would be of advantage to the general question; in as much as the gain of any one of the several parts of which that question consists, would be a deduction from the amount of the difficulties to be overcome in carrying the whole. There is another and a more general sense, in which the mere introduction of the present measure may be an advantage to the general question; I mean from the discussion which it will occasion. In all cases, founded in truth and in justice, frequent discussion is of itself an advancement; and those who would find fault with me on that principle, tacitly admit that their view of the subject will not bear the test of discussion. But it would not be enough for their purpose to suppress discussion alone. Unless they can check the course of thought and arrest the flight of time, every hour must bring us nearer and nearer to that establishment of truth upon which ultimate success depends. In any other sense, I deny that the present question can be considered objectionable, on the plea of taking an unfair advantage: and it has one great recommendation peculiar to itself, that it places the matter of dispute on a basis accurately circumscribed, relieving it from many complicated considerations, in which the more general question is necessarily involved. Hitherto

* From the original edition, printed for J. Murray, Albemarle-street.

it has been objected to the advocates of the Catholic question, that they did not confine themselves to law and fact;—that they assumed *data*, and wandered into generalities; soared to the highest regions of abstract principle, and ranged in the widest fields of remote analogy; but that they did not respect the limitations of statutes and the landmarks of the constitution. I trust that in what I am now about to submit to the House I shall be able to change place with my antagonists; to meet them on the very ground which they pride themselves upon choosing—the ground of fact and law; and, without undervaluing the general topics which belong to the general question, to adhere strictly to the matter of the notice which I have given; and to address myself no further to that general question, than the discussion of principles which belong to it as a whole, must, in the consideration of one of its parts, render necessary and unavoidable.

The other objection comes, I presume, from friends of the general question, who are so high-minded as to be indifferent to any progress towards success, unless the whole question can at once be carried; not because they think that this partial concession will confer valueless privileges, but that it will strip the general cause of many topics of declamation. Much as I am disposed to admit the efficacy of discussion, I confess myself not one of those who, to enrich future debates, would deprive myself of present practical advantage. If there be any force in such an objection, why not go back to the time when the penal code, with all its oppressive and odious inflictions, was in full, unmitigated operation;—when even the most jejune statements must have been powerfully eloquent, from the mere strength of the facts, the very amount of the sufferings which they had to detail? How must such objectors lament the removal of so many disabilities, under which the Roman Catholic has long ceased to groan! How must they regret, that from an early period of the late reign up to the present time so many of the most galling fetters have been gradually taken off, and leave little more than the mark of them now visible! How must they regret the act of 1778, which restored to the Roman Catholics the right of property; the act of 1791, which removed many vexatious disabilities, with respect to the exercise of religion, to professions, to civil, and in several important instances, political rights! How must they deplore the act of 1793, which gave to the Irish Roman Catholics—in many instances advisedly, distinctly, specifically—in all more remotely, and by sure implication—political power and consequence, in giving them the elective franchise! How must their sorrow have been increased by the measure which, five years ago, silently opened the army and navy to Catholic enterprize, bravery, and ambition! I suppose, Sir, all these boons are to be lamented; because if still withholden, they would have formed the ground-work of a most impressive speech, the topics of which are now comparatively reduced! I need not say how differently I view this matter, and how unwise I consider the opinion, that the advantage of better grounds of complaint would have been cheaply purchased at the expense of continued privations.

But another objection is coupled with the last, which entitles it to further consideration. It is suggested, that the noble persons interested in the present measure have some disinclination to the introduction of it, because it does not include all those who are connected with them by the same religion. I give those noble individuals credit for the most liberal feelings on this subject; but I will add, that I have never appeared in this House as the sworn advocate of the Roman Catholics (I may have used the word advocate, but if so, it was in its common and popular sense—not as implying any special commission from them—or consultation with them); I have never pleaded for them, except on public principles—on principles of state policy, and of national benefit. I seek not their thanks or their praise; nor can I ask their opinions on a parliamentary measure of relief; and least of all the opinions of those among them who have the most peculiar interest in such a measure. Such would be my answer, if I had reason to believe the suggestion to which I have referred, to be correct; but I am relieved from any embarrassment on this point, by a communication which I have this day received from the individual of the highest rank in the Catholic—indeed in the British—peerage, which I have permission to read to the House. I will not abuse that permission by reading the whole letter; it is sufficient to say, that after alluding to the reports which have been circulated as to the objections said to exist

in the minds of some of the Roman Catholic lords, the letter concludes with these words, "I am to assure you, on their authority, that there is no foundation whatever for such report." I will not add any thing to this declaration, except only to repeat to a larger audience what I have before said in this House, and often in private—that as I did not think it any part of my public duty to consult the opinion of the parties interested in this motion, so I declare, upon my honour, that the proposition which I shall have the honour to move, has not been suggested to me directly or indirectly by them, or by any person connected with them. The responsibility is entirely my own; and if I call upon parliament to legislate in the case of a few individuals, I do so as little from any individual instigation as if that legislation were to embrace the whole Roman Catholic community, or the whole community of England.

Another objection which I have somewhere heard is, that there is something peculiarly improper in originating in the House of Commons, a measure which concerns exclusively the rights and privileges of the House of Peers. This is an objection, the validity of which must be mainly decided by precedent; and if I look to precedent, I find that the very act, the operation of which I now propose to correct, originated in the House of Commons. The disqualification which it created, was peculiar to the Peers. It imposed, indeed, on *both* Houses of parliament the declaration against transubstantiation, and so forth, which we still take, at our respective tables, in this House and in the House of Lords:—but up to the passing of the act of the 30th of Charles 2nd, the relative situation in which the Roman Catholic Peers stood with respect to Roman Catholic commoners was this; the commoners were already required to take the oath of supremacy; the peers were not. The Roman Catholic commoners, therefore, were disabled from sitting in parliament, so far as the oath of supremacy disqualified—the Roman Catholic peers held their seats unquestioned. Although it be true, therefore, that the act legislated in *apparently* equal terms with respect to both, it in effect only confirmed a disability under which Commoners before laboured, but created for the peers one to which they had not been subjected before. If that act, then, originated with the House of Commons, in the name of common sense, what reason can there be for supposing, that as the Commons originated the disability, they may not also originate the relief?

But why need I confine myself to this particular act? The act of the 5th Elizabeth originated with the House of Commons. The act for disqualifying the bishops originated with this House in 1641; an evil time, undoubtedly—an evil example, therefore, if it stood alone; but peculiarly applicable to the present argument, since twenty years afterwards the Commons repaired the outrage inflicted through that act, by originating the act of the 13th Charles 2nd, by which the bishops were restored to their seats in parliament. When I have such precedents before me, what need have I to go farther? or how can it be maintained for an instant, that there is any thing disrespectful to the other House of Parliament in originating a measure in which their privileges are concerned? much less that it is disrespectful that the same House which created the grievance, should in an hour of late but proper penitence, suggest the relief?

This last objection reminds me of another which may appear to be countenanced by the speech of the hon. member for Somersetshire—a speech so flattering to myself, that I am bound to acknowledge it with thankfulness, at the same time that I venture to dispute the inference to which it might seem to lead. I have been told that I am guilty of inconsistency in introducing a principle of reform in the House of Lords, while I persevere in opposing a reform in the House of Commons. This being merely an *argumentum ad hominem*, I may not perhaps be justified in taking up the time of the House to refute it; but as it has been at all times deemed excusable if not important, that the proposer of any measure should endeavour to stand well as to his motives before those to whom he proposes it, I will say a few words on this subject. It often happens very provokingly, that the point on which a man piques himself most, is that which is selected for a charge against him. Now, I really do flatter myself, that instead of being liable to this charge of inconsistency in bringing forward the present motion, I can show it to be perfectly consistent with every principle on which I have resisted parliamentary reform. In resisting parliamentary

reform, I have always contended, that it behoves the proposer of such a measure distinctly to define his meaning; whether he aims at constructing the House of Commons anew?—or at restoring it to a particular state or condition in which it was at some former period? If the former, I require the nature of the meditated change and its principle and extent to be fully described. If the latter, I ask at what time the House of Commons was precisely such as the reformers wish to make it?—These I hold to be necessary tests of any measure of reform; and by these tests am I willing to have my own proposition tried.—To the first question I answer, that my object is *not* to reconstruct the House of Lords, but to bring it back to a state in which it formerly existed; and if desired to point out the period at which it did exist in the state to which I wish to restore it, I point to the period which terminated on the 30th Nov. 1678; on which day the royal assent was given to the act, by which Roman Catholic peers were excluded from the House of Lords. Up to that day, by immemorial custom, peers had held their seats in parliament unquestioned, and without disqualification on account of religious opinions; and in the 5th Elizabeth,* that right was recognized by special statute. The principle of my measure, therefore, is not innovation, but restoration; and if further questioned as to the extent to which this restoration would go, I reply—to the immediate admission of six English Catholic peers; and by possibility, at some future time, to the admission of about the same n mber of Irish.

I have thus put my proposition to the tests to which I am in the habit of requiring that every measure of reform should be submitted: and I trust that I have vindicated myself from the imputed inconsistency of supporting a reform in one House, whilst I oppose it in another. I have shown, that my reform has all those characters, without which none can be safe or ought to be tolerated; that it is something precise and intelligible; which brings the constitution back to a state in which it had before existed; and of which the operation is certain, and the consequences limited and defined. But I will go farther: I will show, not only that my measure is not innovation but restoration—but that it is a restoration founded upon principles of the strictest justice. I will show, that it restores rights, the suspension of which arose from causes that no longer exist, and was justified on pretences which were never true.

Having, I trust, cleared away all preliminary objections, I proceed now to the substance of my motion. The history of our legislation as affecting the Roman Catholics, may be divided into three periods;—the first, dating from the Reformation, or to be more precise, from the beginning of the reign of Elizabeth, to the restoration of Charles 2nd; the second, from the reign of Charles 2nd to the Revolution; and the third, from the Revolution to the reign of his late majesty, the auspicious æra of the relaxation of the penal code. This division, unequal in point of time, is dictated by the difference of the principles of legislation which distinguish these several periods. The precautions, and in the latter part of her reign, the severities of Elizabeth were caused, if not justified, by the disquietude of one religion not altogether put down, and the instability of another not wholly established; and by those frequent plots against her crown and her life, which were instigated by the influence of foreign politics, and connected an opposition to her belief with a refusal of allegiance to her authority. The security of Elizabeth's throne was identified with the establishment of the reformed religion.—In the third period (passing the second for the present), the period from the Revolution to the time when legislation against the Roman Catholics ceased—the causes which operated against them, were a deposed and exiled monarch who was of the same religious belief, a new dynasty, and a disputed succession. Politics were here again blended with religion; and the one was considered as a sort of test of the other. In such a state of things, it was natural that William 3rd and his advisers, not only should not do away any of the laws which they found already enacted against the Roman Catholics; that they

* 5th Eliz. ch. 1. sect. 17. "Provided alway, That forasmuch as the queen's majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of parliament; therefore this act, nor any thing therein contained, shall not extend to compel any temporal person, of or above the degree of a baron of this realm, to take or pronounce the oath aforesaid (of supremacy), nor to incur any penalty limited by this act, for not taking or refusing the same; any thing in this act to the contrary in any wise notwithstanding."

should rather adopt and strengthen them with additions calculated to discountenance the religion of the exiled monarch, to discourage the acquisition of property by those who with that property might assist his rival, and to disarm those hands which were likely to be lifted against the new establishment. To render his Roman Catholic subjects feeble and powerless, was to deprive his rival and his foreign enemies of the means of disturbing the tranquillity of his kingdom: and the measures which king William pursued for this purpose must be considered not only as measures of internal regulation but of foreign policy and war. The revocation of the edict of Nantes, some years before, had contributed not a little to the exasperation of religious animosities: and it can hardly be doubted that something like the same policy suggested the expediency of endeavouring to drive the Catholics of England (though by a less open and violent process) to expatriation.

I state these considerations, without either condemning or justifying them: without condemning, because much allowance must be made for the political exigency of the times;—without justifying because it, would indeed be painful to justify, in cold blood, the harsh and terrible enactments of irritation, jealousy and fear. In Ireland, especially, where so much greater a proportion of the people was hostile to the government, and favoured the cause of the dethroned king, the system towards the Catholics was one of unmixed oppression. The endeavour there was, to grind the people to the dust to loosen the holds of family and kindred, to reduce society to barbarism, and to erect a garrison of Protestants amidst a nation of Catholic slaves. But was this attempted in mere wantonness or caprice? No: but because the Protestant religion in Ireland was less settled; and because the opposition to it, was almost in every instance in that day, connected with the support of a competitor for the Crown.

In both those periods, therefore,—that of Elizabeth and of the Revolution—the cause of the Protestant religion was also the cause of the throne; and the enactment of penal statutes against Roman Catholics was dictated more by policy than by faith. The intervening period comprizes the reign of Charles 2nd, to which I shall now come, and with which alone we are for this night's question concerned. The measures against the Roman Catholics, passed in that reign, not only constitute the object of our consideration on this occasion, but they are almost the only remains of legislative enactments against the Roman Catholics, which survive at the present day. For in the merciful reign of our late sovereign George 3rd, almost the whole of the penal laws of the two periods to which I have already referred, were repealed. The 5th Eliz. (which was confirmed by the 30th Charles 2nd), and the 13th Eliz., prohibiting all communication with the see of Rome (which, though technically still in force, has long fallen into disuse), are, I believe, nearly all that remain of the penal and restrictive statutes of Elizabeth: and a statute of queen Anne, which transfers to the two universities advowsons of livings possessed by Roman Catholics, is, I believe, the only material remnant of the penal and restrictive code enacted since the Revolution. There were till lately other acts in force, prescribing certain oaths which excluded Catholics from the army and navy; but that exclusion was practically done away by an act of 1817. I say, I *believe* this to be as I state it—because I will not venture positively to affirm so general a proposition. That in some corner of an obscure statute, there may not still lurk some penal or restrictive clause, which has not been swept away, I cannot undertake to aver; but, speaking generally, I believe I may say, that the whole of the penal enactments which remain in force against the Roman Catholics, will be found within the period of the reign of Charles 2nd.

In narrowing the compass of the debate within these limits, we get rid of abundance of matter which has encumbered the principle of the general Catholic question, and distracted our debates in former sessions. The Anti-catholic legislation of Charles 2nd, may be discussed on its own grounds. It holds to the period which preceded it, principally by the very statute which is the occasion of my motion—by which statute the 5th Eliz. was confirmed and extended; and to the period which followed it, by the continuance or re-enactment of this statute[1] (with other acts of Charles 2nd), after the Revolution.

[1] "The Oath of Supremacy, mentioned in the act of Charles 2nd, was remodelled by the act of the 1st of William and Mary; the declaration remained unchanged.

In entering upon the transactions of the reign of Charles 2nd, I am aware that I enter upon the most debateable ground of our history. The account of it given by writers on different sides, are extremely partial; but I shall endeavour to state the facts necessary to my argument, without adopting the extravagancies of either party. I think I may safely assert, then, that Charles though not avowedly, was secretly a Catholic; that his brother was avowedly of that religion; that the latter, if not the former, was justly suspected of designing to re-establish that religion, and to subvert the constitution of the kingdom; and that in consequence parliament looked with very great jealousy to the prospect of the duke of York's succession to the throne; that in effect the predominant feeling of the parliament of that day was dread of a Popish successor. If that point be kept steadily in view, it will throw light upon much that would be otherwise obscure, and make clear much that would otherwise seem complicated and difficult; it will divest some of the measures of that parliament of the stain of excessive rigour—and some of the principle actors in them of the appearance of an inconsistency not otherwise to be explained.

That the great object which the House of Commons had in view, was the debarring the duke of York from the succession, is plainly evinced by their repeated remonstrances, and by the many indications of ill-will towards the duke of York personally, which preceded the direct attempt at his exclusion. In stating these facts, I do not mean to impute blame, but simply to show the object of the House of Commons. Their proceedings were steadily directed to their object. The Test act (the 25th Charles 2nd), though introduced ostensibly for the purpose of affecting all officers, civil and military, dissenters from the established church—was evidently aimed at the duke of York: and it had immediately the effect intended by its promoters; for as soon as it was passed, the duke laid down his office of lord high admiral of England. The address to the Crown against the duke of York's marriage with a Catholic, and the address to remove the duke of York from the king's presence and councils, which was first agitated while the act of the 30th Charles 2nd was pending in the House of Lords, were of the same character. To crown all, the act of the 30th Charles 2nd itself, the immediate object of this night's discussion, while its avowed object was to exclude from both Houses of parliament, peers or commoners who refused to take the Oath of Supremacy, and to subscribe the declaration therein contained, was manifestly pointed against the duke of York; whom, if it had been passed into a law as sent up from the House of Commons, it would have reduced to utter insignificance. In the House of Lords, the duke of York, not without some difficulty, succeeded in procuring an exemption in his favour. When the bill was sent back to the Commons, this exemption was adopted there by a majority of only two. And then, and not till then, it was, that the House of Commons, finding the duke protected from the operation of this act, resorted to the more direct measure of an Exclusion bill. Removed from office by the Test act, and from the king's presence and councils by address—if they could also have removed the duke of York from parliament, their work was done:—and done, as the soberer part of his opponents would have wished, without a measure of so strong and questionable a character as a breach in the legitimate succession to the throne. That the king was perfectly aware of the object of the Commons, is plain from several of his messages and speeches; but more particularly from a speech which he made to both Houses of parliament, while the act of the 30th was pending in the House of Lords, in which speech he promises to agree to any "reasonable bills," to "make them safe in the reign of his successor, so as they tend not to impeach the right of succession." Rapin, an historian not disposed to throw a deeper shade on the acts of the House of Commons than truth requires, plainly intimates that through the whole of these proceedings, the desire to exclude the duke of York from the Crown was all along the governing motive of the Commons—that they attacked him step by step; and that when all the smaller measures failed, or were evaded, then they resorted to an Exclusion bill, as the ultimate and effectual remedy.*

* "The Commons not satisfied with these slight precautions, prepared a bill to prevent the danger from so many Papists sitting in parliament, and particularly in the House of Lords. But this was only a preparative for

What inference do I draw from this series of transactions?—that the parliament of that day were wrong?—that the succession of the duke of York ought not to have been guarded against as dangerous?—No. But simply that this *was* the real and undoubted danger against which the parliament were anxious to provide, and that the penal enactments of that day rested on the ground of this great state necessity. But if such was the ground of enacting, what is *now* the ground for continuing those penalties? Where is *now* the Popish successor to the throne? Where is *now* the danger of Popish ascendency within these realms? and if there be none in existence, are we justified in retaining the same penal measures as our ancestors framed in peril and necessity—*now*, when all the peril is passed, and when the necessity exists no longer?

In reviewing these events, I do not mean to enter into a disquisition how far a great and legitimate political object does morally justify a sacrifice of the rights of innocent individuals; neither do I mean here to affirm or to deny the guilt or innocence of the parties affected by the measures which I have described. I might without prejudicing my argument, assume *either* supposition: I might concede or might contend, either that the necessity of getting rid of the duke of York's succession did or that it did not, justify the expulsion of the Catholic peerage from parliament. The question in *either* case alike recurs—shall we, who have not the same motive or excuse of danger, wantonly and vexatiously continue the same remedy? and when called upon to remit the penalty of an exclusion now no longer maintainable on the grounds on which it was enacted, shall we convert a measure of temporary precaution into one of permanent privation and punishment?

My first argument, therefore, for getting rid of the consequences of the act of the 30th of Charles 2nd, by which peers professing the Român Catholic religion were first excluded from their seats in the House of Lords is, that the main object of that act was not the one which in fact was effected by it; that the intent of those who framed that act, was to exclude the duke of York, the popish heir presumptive to the throne; that though the provisions of it were made general, its real aim was particular—that the Roman Catholic peers were comprehended in that aim only because it was suspected that they might be abettors of the duke of York's politics, and instruments of his designs. A careful perusal of the history of those times will satisfy any candid mind, that the pervading principle of all the proceedings of the Commons, was the exclusion of the duke of York; and that this and other acts were but so many different ways of compassing that object.

I come next to enquire into the particular circumstances under which this act of the 30th of Charles 2nd was passed. In the midst of the jealousies and apprehensions of the Commons, and while the project of excluding the popish heir presumptive was working in their minds; in the hottest ferment of political controversy, came to the aid of the exclusionists, the memorable popish plot: a plot, which I will not (amidst conflicting testimonies) venture to affirm to have been pure invention and unmixed falsehood—but upon which the concurrent opinions of history and posterity have stamped the characters of perjury and fraud. The season, as Mr. Hume well observes, "was peculiarly fit for seizing on the fears and apprehensions of a people jealous to an extraordinary degree, and alive to every suspicion. The cry of 'a plot!' all on a sudden struck their ears; and they, like men affrighted and in the dark, took every figure for a spectre. The terror of each man became the source of terror to another; and an universal panic being diffused, reason and argument, and common sense and common humanity, lost all influence over them."

We are in the habit of referring, and often justly, to the wise and firm manner in which our ancestors asserted and maintained their liberties, and secured the transmission of them to their posterity. But it is not easy to look at the proceedings of the parliament in 1678, without expressing a doubt whether that be a period which an historian would be disposed to select, as exhibiting in the most favour-

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the more easy prevention of the danger with which religion was threatened, from the hopes conceived by the Papists of seeing the duke of York on the throne after his brother, who neither had, nor expected to have, any legitimate issue. This danger caused several members of the Commons to form the project of a bill for excluding the duke of York from the succession to the Crown; but this was done by degrees."—RAPIN, Vol. 2 (folio) p. 692.

able light that eminent firmness and wisdom. The parliament met on the 21st of October. The king's speech made only a slight allusion to the popish plot. The Commons either felt or affected a great solicitude for further information; they sat day after day, and all day long, engaged in the examination of Titus Oates and other witnesses; and in the interval of these examinations, and while they had a select committee employed in searching for barrels of gunpowder under the House (which it is needless to say were not found), they passed the act which is the subject of our discussion, and which, or rather the re-enacted remnant of which (for two-thirds of it are obsolete) is now the chief bulwark of the British constitution. Exactly on the seventh day after their meeting, they sent their bill up to the House of Lords for their approbation. It went up, however, not unharbingered. Some days before the bill passed the Commons, warrants were issued *by order of that House*, for the arrest of five out of about eighteen Catholic peers who then sat in the House of Lords.—

The Commons may have deliberated with becoming gravity and temper; they may have framed their bill with extraordinary wisdom—(the grammar of it is indeed in some parts a little hurried, but not more than I suppose was thought to comport with the urgency of the occasion)—they may have had abundant reason for not delaying the course of just precaution which they thought the emergency required: but in what temper of mind must the *Lords* have proceeded, when they saw five of their own body swept away—torn from their seats and committed to prison—as a preliminary to the first reading of the bill?

It was in this state, however, of calm and fearless preparation, that the House of Lords was called upon to enact the 30th of Charles 2nd. Their progress in the bill was watched by the Commons with a jealousy which in these days would, I think, be considered as hardly compatible with the mutual independence of the two Houses of Parliament. Did the Lords presume to defer the consideration of the bill from one day to another?—they were goaded with messages from the Commons, reminding them that such a bill was on their table. Assailed by all the horrors and absurdities of the plot, and with Titus Oates thundering at their doors, they at length passed the bill; but, moved by the tears and protestations of the duke of York, they inserted into it the exemption in his favour, and so returned it to the House of Commons. The bill so returned, did, as has been said, greatly disappoint the Commons, who saw their main purpose defeated, by the exemption of the duke of York from its operation. It was, however, sufficiently comprehensive to exclude the whole of the Catholic peers from their seats in parliament: and that exclusion so enacted, as I have described, continues unto the present hour.

In truth, I am strongly persuaded, that the framers of the bill themselves did not intend to inflict a permanent disability. They had in view a specific purpose, the exclusion of the duke of York; which, they thought, the alarms and agitation then prevailing would help them to achieve. But what reason is there to believe that—that purpose once achieved—they would have altered the frame of the constitution of parliament such as it had subsisted immemorially; such as it had been confirmed by statute for the last 115 years?—The king himself was plainly of opinion that the act was intended only to be temporary; for in passing it, he expressly says that he consents to it, because it is thought *fitting at this time*.

Again I aver, that the more the transactions of that time are studied, the clearer it will appear, that if the duke of York had not been a papist, the Catholic peers would not have been disturbed in their seats. What then is the condition of the Catholic peers of the present day?—A measure which there is every reason for believing that our ancestors devised as a precautionary security against an existing and defined danger, will, if not permitted by our vote this night to be re-considered, be permanently fixed upon these peers and their successors for ever, without the smallest imputation of crime, or the shadow of present justification. That we may truly estimate the amount of the wrong thus inflicted, let us consider what was the species of right which was affected by the 30th of Charles 2nd.

Attempts had been made in former years, but with quite different objects, to impose oaths and declarations upon the House of Lords, annexing to neglect or refusal the penalty of forfeiture of the right of sitting and voting in parliament. These attempts had uniformly been resisted—not by Roman Catholic peers only, but by the body of the House.

Protests were formally entered upon the Journals of the House of Lords, declaring the privilege of peerage to be an honor enjoyed by birthright, and "of so inherent a quality, as that nothing could take it away but what by the law of the land could withal take away their lives and liberties." Nay, only three years previously to the passing of the act of 1678, namely, in the year 1675, in the course of the debates on the bill called the bishop's test bill (which did not pass into a law), a standing order of the House of Lords was passed unanimously to the following effect:—"Ordered, by the lords spiritual and temporal in parliament assembled, That no oath shall be imposed by any bill or otherwise, upon the peers, with a penalty, in case of refusal, to lose their places or votes in parliament, or liberty of debates therein." And this order now remains unrepealed among the standing orders of the House of Lords.

How happens it, I ask, that this standing order, framed and entered on the Journals three years before the act of 1678, should have been suffered to remain, if the expulsion of the Catholic peers were intended to be perpetual?—I do not mean to set up a standing order of one branch of the legislature in competition with the law of the land; or to deny, that if the one contained any thing incompatible with the provisions of the other, the statute must be obeyed, and the standing order disregarded: but from the circumstance of the latter being suffered to remain on the Journals, is to be inferred one of two things:—*either* that the Lords were at the moment in the possession and exercise of their calm deliberative functions, and intending the expulsion of the peers to be but temporary, did not revoke the standing order;—*or*, that in the enforced haste and trepidation of their proceedings, they had not presence of mind to pause at the order which they had only three years before unanimously sanctioned. The more probable inference seems to be, that acting under the menaces of the Commons, and under the hazard (if they should refuse their assent to the measure then demanded) of being involved in the charge of conspiracy to murder the king and subvert the constitution, their sober and deliberate judgment was, in a great degree, overpowered by the sense of immediate danger; but that they did yet look forward to a time when, after the passing of the storm, they might recur to the principles of their standing order. That order was therefore suffered to remain unnoticed (for to bring it into notice would have been, in the heat of the time, to ensure its repeal—and yet surely it was too recent to be forgotten), a dormant but solemn recognition of those privileges of the peerage which were suspended, not annihilated, by the act of parliament. There is no other rational way of reconciling so apparent a contradiction. When a bill is passed for suspending the operation of the Habeas Corpus act, the Habeas Corpus act remains upon the Statute book unrepealed; to break out again with unchanged lustre, when the veil of the suspension is removed. In like manner this standing order was probably considered as retaining its force, while it retained its situation; though overlaid for a time by the oppression of the occasional statute.

This construction derives considerable force from the terms of the statute itself; great part of which is, in its very nature, temporary, and the whole so loose and inaccurate, as to form a specimen of legislative skill utterly unworthy to be (as some are of opinion it ought to be) considered as fundamental to the constitution. For example, the preamble declares, that "divers good laws had been made for preventing the increase and danger of popery; which have not had the desired effect, by reason of the free access which popish recusants have had to his majesty's court, and by reason of the liberty which, of late, some of the recusants have had and taken to sit and vote in parliament." Now, here are two distinct grievances alleged, for which the act provides two different remedies: for the access to his majesty's court, the obvious remedy of forbidding the resort of Papists to court; for the danger arising from sitting and voting in parliament, that of their removal from the two Houses. But it is to be observed, that the two grievances are not only distinct in themselves, but apply quite plainly to different classes of persons. The latter part of the preamble—that which relates to sitting and voting in parliament—is absolute nonsense, if applied to the peers; for it was not only "of late" that peers of whatever religion, had had the privilege of sitting in parliament; peers had never lost it; up to that period, they sat in the House of lords as a matter of right, not affected by the oath of supremacy imposed by the 5th of Queen

Elizabeth on the House of Commons, but, as I have already said, exempted by a special clause, from the operation of that oath. In the House of Commons indeed, some Catholics had contrived, by evasions of one kind or another, to regain seats; and there had lately been two or three expulsions of members detected to be popish recusants. One species of popish recusancy was the refusal to take the oath of supremacy. The declaration in the preamble *could* therefore apply only to the commons; yet the exclusion which this act effected comprehended both; and, for a reason which affected only the commons, excluded the lords from their seats in their own House of parliament. Upon the face of the statute itself here is a flagrant and manifest injustice, here is an inconsequence so obvious, that nothing but the heat and terror of the times could have enabled it to pass. Whereas Catholics have "of late" found their way into the House of Commons, in spite of the provisions of the act of Elizabeth; be it enacted — what? That Roman Catholic peers—whom the 5th of Elizabeth did not touch, who were never for a moment out of parliament, and who, therefore, cannot in common sense be said to have "had and used *of late*," that which they have "had and used" from time immemorial without let or interruption, shall lose their seats in the House of Lords. Is this the sort of syllogism by which rights ought to be taken away?

The other grievance stated in the preamble — the access to the king's court, does apply to the peers, and to them, with more peculiar force than to the commons; as a peer in his character of an hereditary counsellor of the Crown, had the means of more easy and frequent access. The peers, therefore, were logically (if not justly) banished from the court. But mark the singularity of the fate attending this enactment; and observe how it countenances the construction, that the whole act was of a temporary nature. This liability of a Catholic peer to be prosecuted for coming into his majesty's presence, or into the court where the king resided, is removed. It is the only penalty on the peer which the preamble of the statute which we are examining, reasonably infers; and this penalty is removed! It has been removed by the act of 1791, commonly called Mr. Mitford (now lord Redesdale's) act. The Catholic peer is again admissible to the presence of his sovereign, is again acknowledged an hereditary counsellor of the Crown. Here then is one of the deprivations which the act of Charles 2nd inflicted upon Catholic peers, done away; and that deprivation, the only one for which the statute assigned a reason: while that for which (as I have shewn) the statute assigned *no* reason in their case, —exclusion from parliament — is maintained.

And in what manner has this relief been given? And what is the state in which Catholic peers are now placed by the double operation of the old and the new law? The act of 1791 relieved Roman Catholic peers from that part of the oath of supremacy which Catholics cannot take consistently with their spiritual scruples. In the oath of supremacy it is sworn, "that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, *ecclesiastical or spiritual* within this realm." By the act of 1791, the Roman Catholic is to swear that he does not believe that "the pope of Rome, or any other foreign prince, prelate, state or potentate, hath, or ought to have, *any temporal or civil* jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm." After taking this latter oath, the Catholic peer is competent to go into the presence of his sovereign; to tender his advice in the royal closet. But into parliament he cannot go without taking the oath of supremacy in its former shape; and further, without denying transubstantiation, and asserting the invocation of the Virgin Mary and other saints, and the sacrifice of the mass, to be superstitious and idolatrous. Here then, is an individual entitled by birthright to the enjoyment of two particular privileges;—the one to tender to his sovereign as one of his hereditary counsellors, such advice as he may think expedient for the affairs of the nation; the other to sit in parliament, and in the face of his peers and of the nation, to defend in his place as a peer the advice which he has given in that character. Let him only deny the "*civil and temporal*" power of the pope, —and no man can prevent his entering the royal closet;—no man can prevent that access which would enable him, if he were an assassin, to plunge a poignard into his sovereign's breast, at an interview

so easily and simply acquired;—at any rate he may influence the royal mind without danger, or risk, or personal responsibility: but before he can publicly answer for the bad or good use which he may have made of these opportunities, he must deny the "*ecclesiastical and spiritual*" authority of the pope, and enter deeply into the disputes about transubstantiation. Was ever absurdity like this?—The Catholic peer may drive directly to saint James's, and demand admission to the royal presence; the cabalistic words, "*temporal and civil,*" dissolve the interdiction of the 5th clause of the act of Charles 2nd, and the closet doors fly open at the sound: but if he turns his horses' heads from the palace towards the parliament House, the charm loses its efficacy; no entrance there except through the words "*ecclesiastical and spiritual,*" followed up with a sworn opinion upon certain controverted points of religious faith and worship.

I really know not which is more decisive against the act of Charles 2nd, the disability which is continued, or that which has been repealed: that which is continued, but was enacted without any statement to justify it; or that which has been repealed, in spite of its more apparent justification. Taken together, this continuance and this repeal constitute an anomaly, not with respect to different classes or different persons, but in the person of each individual peer, such as I imagine, no legislation can parallel.

But this is not all. The repeal of this clause by the act of 1791, is in another point of view highly remarkable. The repeal is in favour of peers by name; and the act of 1791 originated in the House of Commons. What becomes then, I would ask, of the objection, that the House of Commons cannot legislate for the peers alone? and why, if one act of parliament, originating in this House, could relieve peers from disability to enter the king's court, may not another act, with the same origin, relieve them from the disability as to parliament? What is there in this case to prevent the like special relief? If it be answered, as I own it may, that the relief given to peers by the act of 1791, was given to them alone, because they alone required it;—there being no members of the House of Commons Roman Catholics;—and "Popish Recusants" being an extinct race in the present day;—I reply, that in the grievance which remains to be repealed, the exclusion from parliament—peers, though not the only, are special sufferers:—that the operation of the act of Charles 2nd, was to inflict this suffering on them alone — on the commons only continuing and enforcing it.

But the strange anomalies in the situation of Catholic peers are not yet exhausted. Fertile as was the reign of George 3rd in acts of relief, ameliorating the condition of his Roman Catholic subjects;—it remained for his present majesty, at the opening of his auspicious reign, to add a further anomaly to the condition of his Catholic peers, by a distinction the most gracious and benevolent in design, but bringing some mixture of bitterness with enjoyment; a distinction exalting, indeed, the dignity of the Catholic peer, but at the same time sharpening the sting of his recollections. I allude to the coronation. Last year, for the first time for upwards of one hundred and thirty years, were catholic peers summoned to attend a coronation:—an august and awful ceremony; not to be viewed as an unmeaning pomp—a mere gorgeous pageant; but as a public ratification, by the sovereign of a free people, of the compact which binds together all the orders of the realm. This solemn political rite was celebrated with all the magnificence becoming a monarch surrounded by his nobles, his prelates, and his counsellors, and by crowds of his loving subjects—receiving their united homage, and pledging himself to their protection and good government in return. It was celebrated in the presence of the representatives of Catholic as well as Protestant Europe. Imagine the ministers of foreign potentates collecting for their respective courts the details of this splendid and affecting consecration. Who is it that overtops the barons as they march?—the Catholic lord Clifford. Who is it that does homage to the throne on behalf of the highest order of the peerage?—the Catholic duke of Norfolk. Whom has the king selected to return thanks to this assemblage of all that is most splendid and most worthy in the realm, in acknowledgment of their libation to his majesty's health?—again, the Catholic duke of Norfolk. Did it occur to the representatives of Europe, when contemplating this animating spectacle—did it occur to the ambassadors of Catholic Austria, of Catholic France, or of states more bigotted in matters of re-

ligion, that the moment this ceremony was over, the duke of Norfolk would become disseised of the exercise of his privileges among his fellow peers? That his robes of ceremony, were to be laid aside and hung up, until the distant (be it very distant!) day, when the coronation of a successor to his present most gracious sovereign might again call him forth to assist at a similar solemnization?—that, after being thus exhibited to the eyes of the peers and people of England, and to the representatives of the princes and nations of the world, the duke of Norfolk, highest in rank among the peers, the lord Clifford, and others, like him, representing a long line of illustrious ancestry,—as if called forth and furnished for the occasion, like the lustres and banners that flamed and glittered in the scene, were to be, like them, thrown by as useless and trumpery formalities?—That they might bend the knee and kiss the hand—that they might bear the train or rear the canopy—might discharge the offices assigned by Roman pride to their barbarian ancestors—

Purpurea tollant aulæa Britanni,

but that with the pageantry of the hour, their importance faded away; that as their distinction vanished, their humiliation returned; and that he who headed the procession of peers to day, could not sit among them as their equal on the morrow?

Nor is this the only act of royal beneficence and condescension to the highest order of Catholics, which has marked the reign of his present majesty. In the course of the late royal visit to Ireland, a visit, which I agree with my right hon. friend (Mr. Plunkett) in thinking, was as much a measure of wisdom as of grace, a noble lord of the catholic religion, the earl of Fingall, was, by the favour of his majesty, decorated with the riband of the national order of Ireland. In the preamble of the statutes of that order, we find the qualifications which every man is understood to possess, who is selected for the distinguished honour of being a knight, of St. Patrick. It is therein declared, "That it hath been the custom of wise and beneficent princes, in all ages, to distinguish the virtue and loyalty of their subjects by marks of honour, &c. that so their eminent merits may stand acknowledged to the world, and create a virtuous emulation in others to deserve similar distinction." These reasons, no doubt, recommended lord Fingall for so high a mark of his majesty's favour. Of his qualifications there can be no doubt; but as to the "emulation" which that most gracious favour was to excite, how was that to be exemplified? Did not lord Fingall, when he departed from the court of Dublin to his own estate in the country, find himself in a worse situation, as to the exercise of political rights, than any of the labourers who till the ground around his dwelling? Lord Fingall, a Catholic peer, is not only wholly disqualified from sitting or voting in either House of parliament, but even from voting at the election of a member for either. The tillers of his ground, catholic or protestant, have, probably the very humblest of them, a right of suffrage at the election of a member to represent him in parliament; while lord Fingall and his fellows are not thought fit to be intrusted with the privilege of voting at the election of the representative peers of Ireland! Is this an anomaly which ought to have perpetual existence?

Here I take occasion to say, that if the House allows me to bring in the bill which I mean to propose to their consideration, it will be found to include the Irish as well as the English Catholic peers in its operation; and to enable the former to be representative peers, as well as to vote at the election of them.

I have, as yet, considered the Act of 1678 only in a political point of view; but I should greatly under-rate the objections to which it is liable, if I were not to consider it in its not less striking character as a measure of individual injustice. One cannot look at the period and circumstances of the passing of that act, without seeing that the House of Lords legislated under *duresse*, and were instigated to pass it by false pretences. When I speak of false pretences, let me, at the same time, repeat my former observation, that if all the motives had been real instead of being, at least in part, pretended; if the object had been to extinguish the catholic peerage instead of to exclude the duke of York (the latter, perhaps, a right and necessary measure); if in short the statute had been in all its enactments as manifestly just at the time, as they appear even then doubtful and suspicious;—still the necessity for continuing those enactments having long since passed away, their continuance at the present day would be unjustifiable. Had all the five Catholic

Peers who were accused of conspiring the king's death and the subversion of the government, been tried and proved guilty, (whereas no charge was attempted to be substantiated against them); had lord Stafford, who alone was selected for trial, been as guilty as he is believed to have been innocent;—I should still say, that no grounds had been made out for visiting the whole Catholic peerage with perpetual disabilities; I should still say, that it is revolting to the spirit of British law to make eternal penalties which were enacted for the transactions of times long past—transactions which have no influence, and infer no guilt in the present age. But if the pretences upon which the act was passed were false; if the popish plot (by which the passing of it was so terribly facilitated) was built upon the fabrication of abandoned wretches, committing the most enormous perjury; then I ask with increased confidence, upon what plea is this exclusion to be justified? with what grace can any man contend for its prolongation? I contend, that to the Catholic peerage, not only in reference to their quality as peers of the land, but to their feelings and their characters as men, we owe an atonement for the wounds which have been inflicted upon their rights and their honour, for the privations with which they have been punished, not only for no crime of their own, but for no crime at all. We owe them relief from those restraints, which, even if they were merited by the original transgressors, would have been too severely entailed upon an unoffending posterity.

I do not impute to the parliament of Charles 2nd, that they did wrong wantonly and wilfully, in the knowledge that the grounds upon which they acted were untrue. In common fairness and candour I believe that parliament to have taken the evidence on which they proceeded, not indeed with any deep and entire conviction of its truth, but with that sort of unexamining credulity, that ready acquiescence, with which men naturally receive a story which falls in with their own prejudices, and forwards their predetermined objects. But it cannot be denied and must not be overlooked, that the act of 1678 was passed under the same delusion, was forced through the House of Lords by the same impulse, as it were, which brought lord Stafford to the block.

The accusation against lord Stafford and the other Catholic peers, was sent up to the house of Lords (as I have already stated) in the first alarm of the plot, and most clearly as the harbinger of the subsequent bill. It would not be candour but folly to doubt, that it was considered by those who sent it up, as the probable means of effecting, through intimidation, the exclusion of the body of which the accused peers formed a part, and of which the duke of York was the chief, from parliament. Those means eventually, so far succeeded, as that the whole of the Catholic peers of the realm, with the exception of the principal intended victim, the duke of York, were so excluded from parliament.

In pursuance of this accusation, lord Stafford was brought to trial, condemned, and beheaded. In about six or seven years after that event, the principal witnesses against him were convicted of perjury; and after that conviction, a bill, reversing lord Stafford's attainder, was brought into the House of Lords and passed there; but coming down to the House of Commons it was rejected, or rather dropped, for there is no trace on the journals of its rejection. The loss of the bill is attributed, by some historians to the disinclination of the House of Commons to entertain any measure of this nature; while others account for it, and perhaps sufficiently, by the intervention of the duke of Monmouth's landing, which took place on or about the time that had been appointed for the committee on the bill:—"The lords in passing the bill," says Rapin, "did it rather to oblige the king, than with any view to do justice to lord Stafford. But the Commons did not entertain the same deference for the wishes of James; it was lost in that House, after a second reading, and was never heard of more." True it is, that after that parliament had been dissolved, the bill for the reversal of lord Stafford's attainder was not resumed;—true it is, that Titus Oates, upon whose conviction for perjury, the bill had been brought in, was, after the revolution, pensioned by the government. I cannot, however, admit the non-resumption of the bill, after the revolution, as any proof of lord Stafford's guilt, still less can I admit the pension to Oates as a recognition of Oates's innocence and veracity. This favour to Oates, like many other political measures of equivocal morality, must be set down to the account of those circumstances—

"Res dura, et regni novitas——"

which a revolution in government naturally and necessarily begets; and to the temper and condition of the times, which precluded too nice an examination of what might be strictly due to a political enemy. I am the rather confirmed in this opinion, when I find a sensible and judicious historian, like Mr. Hume, capable of making this remark on the bill for reversing lord Stafford's attainder: "The bill" (says Mr. Hume) "fixed so deep a reproach on the former proceedings of the exclusionists, that it met with great opposition among the lords; and it was at last, after *one* reading," (this I take to be incorrect—it was read a second time I think, and the day for the committee was appointed) "dropped by the Commons. Though the reparation of injustice be the second honour which a nation can attain, the present emergence seemed very improper for granting so full a justification to the Catholics, and throwing so foul a stain on the Protestants."—The amount of this opinion of the historian seems to be, that the apology of the House of Commons for not completing an act of justice, was to be found, not in the merits of the case, but in the inexpediency of acknowledging that against the Catholics any injustice had been committed. I will not pause to examine the moral propriety of such a doctrine; but I cannot help asking, have parliament *now* any similar reasons for refusing to do justice? Is there any inexpediency in an attempt of the parliament of 1822 to gain the "second honour" open to a nation—that of atoning for wrong? Must we *now*, and for what reason, continue the exclusion of the Catholic peers? Is there *now* any difficulty in making atonement to their descendants? What are the jealousies *now* to be consulted? By what "impropriety" as to "the present emergency," is the judgment of the House *now* to be influenced against adopting measures of equity and expiation? Would such a "reparation of injustice" *now* put to hazard the safety of that Constitution, to which we owe our national happiness and freedom, and our generally equitable laws?

As the extract which I have read from Hume exhibits that historian in an unamiable light as the defender, upon principles of expediency, of an omission of which he does not palliate the injustice; it may be but fair to compare this cold-blooded sentence, with the terms of generous indignation in which the same writer had previously spoken of the execution of lord Stafford:—"This was the last blood which was shed on account of the Popish plot: an incident which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is necessary to perpetuate, as well to maintain the truth of history, as to warn, if possible, their posterity, and all mankind, never again to fall into so shameful and barbarous a delusion." This is strong language, and as true as it is strong.

What is the language of the House of Lords itself, within seven years after they had concurred in the act of 1678—within five after, they had condemned lord Stafford to death? Hear the preamble of the act which they passed for the reversal of his attainder. "Whereas William, late viscount Stafford, was impeached of high treason, for conspiring the death of his late majesty, king Charles the 2nd, of blessed memory, and the subversion of the government, and was arraigned and tried before the peers in parliament for the said high treason, and was found guilty thereof, and condemned and executed: And whereas, *it is now manifest that the said late viscount Stafford was innocent of the treasons laid to his charge, and that the testimony whereupon he was convicted was false:* Be it enacted, &c.

What are the opinions of other more impartial judges on the subject of lord Stafford's condemnation, as they have been delivered at a later period, upon a calm review of the history of those times?—In the year 1791, debates took place, both in the House of Commons and House of Lords, on the question which was then raised, as to the abatement of Mr. Hastings' impeachment. In the discussion of precedents on that occasion, as to the continuation of and impeachment after the dissolution of a parliament, the case of lord Stafford was often cited. In arguing this question, the opinions of two very distinguished men, (I am sure that their names alone will command attention,) the late lords Thurlow and Kenyon, were incidentally given on the proceedings against lord Stafford. Lord Thurlow, undoubtedly, was not a favourer of Catholics; and lord Kenyon certainly has not bequeathed any vehement affection for them to his posterity. Lord Thurlow is recorded to have declared, "that he disdained a precedent which was derived

from times, when accusations darkly contrived, and impudently alleged against innocent men, were greedily entertained; when individuals were liable to suffer in their lives and fortunes, not because they had committed crimes against the state, but because they had rendered themselves obnoxious to this or that party in the state." Lord Kenyon's opinion is still more decided and precise; he said "that whatever, while their passions were excited and their feelings were strong, men might have thought at the time of the conviction and sentence of lord Stafford, he firmly believed, that there was no one of them who, when reason had resumed her seat, and sober reflection had dissipated the mists of prejudice, would not have thought with him (lord Kenyon), that the execution of lord Stafford was a *legal murder*." On this part of the subject, therefore, it may be enough for me to place the solemn declaration of the House of Lords, revising their own judgment against lord Stafford; to place the opinions of lord Thurlow and of lord Kenyon—against the character and pension of Titus Oates. In addition to these testimonies, however, important as they are, I confess that I believe, in common (if concurrent histories be true) with all who heard them at the time—the dying protestations of lord Stafford;—and I must believe, according to every principle of law as well as of justice, in the innocence of those other peers, who like lord Stafford were accused, but who were not, like him, put upon their trial.

Now, it is impossible not to see that the fate of Stafford, and the expulsion of the Catholic peers from parliament, were parts of the same system. The same testimony which produced the condemnation of lord Stafford, occasioned also the act of 1678. Lord Stafford might have been guilty, and his fellows in accusation innocent;—they might have been guilty, and yet the rest of the Catholic peerage blameless: the establishment of lord Stafford's criminality therefore, would not of itself justify the statute. It would not necessarily have justified the enactment of it at the time: still less would it now justify its continuance. But trace the chain of reasoning the other way, and the result is irresistibly conclusive. If lord Stafford, who was tried and convicted, was not guilty, much less so were those Catholic peers, who though accused with him were not tried;—much less so those others who though not even accused were nevertheless expelled from parliament. So far therefore as the act of the 30th of Charles II rests on the Popish plot, the foundation of it entirely fails. Technical difficulties or temporary expediency may have prevented the reversal of lord Stafford's attainder: but is there any thing temporary or technical to prevent this House from paying homage to truth, though late, and reversing legislative error?

I have now, Sir, only to recapitulate the grounds upon which I think the parliament of this day ought to annul, with respect to Catholic peers, the operation of the statute to which my motion refers, even if political considerations were wholly set aside, it violated an inherent birthright, not to be taken away, unless for causes that would warrant the taking away property and life itself. It created a disability which if justly because necessarily created under the circumstances of the time, could continue to be just only while the same circumstances should continue, or if others of a similar character should arise in their place. It visited not the criminal himself only, and his supposed but untried accomplices; and his suspected but unaccused fellows in religious faith; but his and their remote and innocent posterity. It did all this upon evidence, the truth of which the parliament which had passed the act, six years afterwards solemnly denied: and the judgment of all impartial men at this day confirms that denial.

With all these considerations, political and moral, in favour of a repeal, of the exclusion of Roman Catholic peers, I am not to be deterred from urging it by being warned of the anomaly which it is pretended would be introduced by it into the constitution. I deny the fact:—not of the anomaly—but I deny that my bill could introduce it. If Catholic peers should sit in parliament while commoners continued to be excluded—such was the state of things for 115 years, from the 5th of Elizabeth to the 30th of Charles II, without, so far as I know, any sensible inconvenience; without affecting the prosperity of the state, or encroaching upon the liberties of the nation, or shaking the stability of the throne. It is not a state of things which I wish; but it is not new, nor is it so monstrous as it is represented. Eligibility and possession are to be argued, one upon the principle of expediency, the other on that of justice. No man can think more sincerely than I do, that we

are wrong in refusing to Roman Catholics seats in this House:—but that is a different sort of injury from the one of which I now complain. It is indeed the withholding of an important privilege; but the injury to which the Catholic peer has been subjected, is the deprivation of a right of inheritance.

I am as unwilling as any man can be to give invidious preferences: and while I wish to see the Catholic peers restored to their own House, to sit there.

"In their own dimension like themselves."

I do not wish (can it be necessary to say that I do not?) to see their fellow Catholics, curtailed of their fair pretensions by a lasting exclusion from the House of Commons. I should despise myself if any feeling of deference to aristocracy, any vulgar homage to rank or station, entered for a particle of motive into my selection of the case of the peers. I select it for its clearness, its compactness, its tangibility; for its freedom from those complications and qualifications which incumber and perplex the general question of the admission of Catholics into the state. I select it because it lays bare the principle of the argument, and on principle alone must be resisted, if resisted at all.

I select the case of the peers, because as on the one hand the right taken away is more definite and perfect, so on the other the privation inflicted is beyond all proportion more severe. Compare the hardship, the invidiousness of exclusion from one and from the other House of parliament. How many contingencies might operate to prevent the entrance of the Catholic commoner into parliament, supposing his disability on account of religion removed! He might be an officer of the revenue—he might not have the requisite pecuniary qualification—or he might, like hundreds of thousands of his qualified contemporaries, not have the good fortune to be chosen. But he does not, like the Catholic peer, bear about him the distinctive mark of his exclusion—the badge of his painful peculiarity. He is not a member of parliament—what of that; millions of his fellow subjects are not so, and no one thinks the worse of them that they are not. But the case of the peer is widely different. Who can see the duke of Norfolk, for instance, in the ordinary intercourse of society, without recollecting, without finding the idea instantly and involuntarily suggested to his mind—that *there* is a nobleman, by birthright the chief of the peerage of the land, who is shut out from the House of parliament to which he belongs? Who can hear his wide possessions, his proud titles enumerated, without being sensible that their owner is degraded by such an exclusion; and that the coronet which sparkles on his brow, brands rather than distinguishes its illustrious possessor?

The statute of 1678, in taking from the peers a right, inflicted on them a grievous wrong; not merely a technical and political injury—a privation once inflicted and endured, and then to be forgotten;—but a constant living rankling soreness, present every day and every hour to their feelings and recollections;—something that never quits them in public or in private—that haunts their footsteps—that sounds in their very names.

My selection of the peers, then, is justified by the peculiarity of their situation—by the nature of that right which they lost—by the injustice through which they have lost it—and by the inflictions which the statute of exclusion has occasioned them: and so far from making them the objects of premature and partial redress, if the bill for their special relief were to pass now, they would have but tardy justice. They have stood by for nearly fifty years, while to other Roman Catholics great relaxations of disabling laws, and many privileges have been conceded. They have stood by, silent and contented spectators of the benefits conferred on others; and if I now present myself to bring their appeal before parliament, I must repeat, that my interposition is unsolicited by them; though, perhaps, it is not against their wish, it is entirely without their concurrence.

Sir, I have nearly done. The hon. member for Somersetshire, to whom I have already expressed myself obliged for the attention with which he has this evening honoured me, will, I am sure, acknowledge that I have shown my present proposition to be altogether distinct from the general question. This is as much a case by itself, and stands as singly upon its own merits, as any case in Westminster-hall, which has no relation to the one that preceded it, or the one that is to follow. Nay, so confident do I feel in the view which I have taken of this case, that if it were possible to bring it before any legal tribunal, which should have the power of revising the proceedings of the

legislature, I have no doubt that before such a tribunal the Catholic peers would obtain a verdict. Taking into consideration all the circumstances of the Popish plot—the operation of these circumstances upon the House of Lords when it passed the act of 1678—the evident reluctance with which the act was passed, under instigations and menaces almost amounting to compulsion—the protest still extant on the Journals of that House, by which deprivation of the right of sitting and voting in the House of Peers, is declared to be unknown to the constitution:—and considering also the innocence of those against whom the provisions of this act were levelled, or rather whom, being levelled against another, they involved; I feel no hesitation in affirming, that there is no jury which would not decide, that the expulsion of the Roman Catholic peers had been wrongfully obtained, and that their posterity are entitled to restoration to their place in parliament.

It is hardly necessary again to repeat, that this is a very different proposition from that of rendering the Catholics generally eligible to parliament. But I repeat it, for the purpose of subjoining, that I do not agree with those who think that the re-admission of the Catholic peers would therefore be a measure altogether indifferent to the great body of the Catholics. What!—Is not the whole clergy of the Church of England ennobled by the admission of its prelates into the House of Lords; although there is an express statute, prohibiting any parson from sitting in the Commons' House of Parliament? Is it possible that any great body in the state should not partake of the dignity or degradation attaching to those who are at its head? Does not the meanest Catholic in the kingdom sympathize with the Catholic peers, for the sufferings endured by them in their exclusion; and would not he feel himself elevated by their restoration? No happier illustration perhaps can be found of this principle, than one drawn from the plan devised by an hon. gentleman on the other side of the House (Mr. Ricardo), for the restoration of our depreciated currency—a plan as full of genius as of science. The paper currency of the country was in a state of depreciation. To set it right at once by a corresponding issue of gold was impracticable. It was suggested, to make certain large masses of notes payable with bars of gold. It was objected to this plan, that the poor man's one pound note would thus be even more depreciated in value, by comparison with those which the rich man could carry in aggregated hundreds to the Bank, and get exchanged for bullion. Parliament, however, wisely adopted this plan: and what was the consequence? why that the value of the currency was speedily raised from one end of the country to the other—the one pound note of the poor man, partaking in that rise with its fellows aggregated in the treasures of the rich, although it could not be exchanged for gold. In like manner if parliament should determine to admit the Catholic peers to their seats, although the Catholic peasantry could be little affected, so far as regarded any prospect of their reaching parliamentary honours, yet would they find a measure not useless to themselves, by which the value of the whole Roman Catholic denomination would be immediately raised throughout the kingdom.

This, Sir, is all that I shall permit myself to say on the question relating to the general body of his majesty's Roman Catholic subjects. I say this to obviate prejudice on their parts; but I will add nothing more; for it is not my business on this occasion to plead their cause. And having, I trust, fulfilled my promise, of not diverging into the general question of Catholic disabilities; if I should be met with an assertion, that my motion in fact, is an opening of the whole question, and must be met and argued as the whole;—undoubtedly I shall, as to the course of the argument, be disappointed; but I shall consider my cause as gained.

The questions which I require to be answered are—1st:—Were not Catholic peers first excluded from the House of Lords by the 30th of Charles 2nd, after they had been expressly and anxiously retained there by queen Elizabeth, at the time when she imposed the Oath of Supremacy on the House of Commons?—Not that I think it by any means clear, that Elizabeth imposed that oath, even on the House of Commons, with a decided intention of excluding Roman Catholics from parliament. The oaths at different times administered to Catholics, have been of two sorts: some have been put to them *bonâ fide* as tests of their allegiance; while others have been framed as tests, not of loyalty, but of Catholicism; the framers of this latter sort of oath assuming

Catholicism to be disloyalty. The Oath of Supremacy of Elizabeth was framed, I am inclined to believe, in the hope that Catholics might be brought to take it. Partially perhaps they did: generally speaking, they did not. But when that oath was subsequently imposed on the peers, together with the declaration against transubstantiation, those enactments were clearly and confessedly not intended as tests of allegiance, but were prescribed with a fore-knowledge that the Catholics would not take them;—or rather with a pre-determination that they should be such as Catholics could not take.—2ndly:—Wherefore were the Roman Catholic peers thus expelled from parliament? With the view of excluding the duke of York from the throne? or in consequence of the Popish plot? If with a view to the exclusion of popery from the throne, that object is long ago attained; the throne is unalterably Protestant. If in consequence of the Popish plot, then arise the further questions—Were the five Catholic peers justly or unjustly accused of participation in that plot? If justly, why were they not put upon their trial? One only of them was brought to trial: he, it is true, was condemned; but has not even his innocence been since established?—and even if upon that point there is any scepticism, what is the species of justice which condemns four accused persons upon the trial of one?—and which deduces from four charges and one trial the proscription of thrice the number not only innocent but unaccused,—and not only in their own persons, but throughout all succeeding generations of their posterity.

These, I say, are the questions to which I am entitled to require an answer from those who oppose my motion: and, in the absence of a satisfactory answer to them, I am entitled to say, that while I leave the larger question of Catholic disability or admissibility, to rest on political expediency; what I claim for the Catholic peers, I claim as a matter of right. Against their continued exclusion, I appeal not only from the House of Commons of 1678, to this House which I have now the honour of addressing—not only from former to present times—but from Shaftesbury to Burleigh—from the testimony of Oates to that of queen Elizabeth. Nay, I appeal from our ancestors of that day, to our ancestors themselves; from the House of Lords in 1678 to the same—or nearly the same—body in 1685; from the intoxication of their fears, to the sobriety of their reflection and repentance. I adjure the House not to adopt in conduct, as they certainly would not sanction in words, the implied opinion of Mr. Hume, that perseverance in wrong can, under any circumstances, be preferable to inconvenient (even if in this case it were inconvenient) reparation. And I solemnly declare to the House, that I would not have brought this question forward, had I not felt assured, that the reparation which I ask on behalf of the Catholic peers, is in the name of policy as expedient, as in the name of humanity it is charitable, and in the name of God, just.—Sir, I move "That leave be given to bring in a Bill to relieve Roman Catholic Peers from the disabilities imposed upon them by the Act of the 30th Charles 2nd, with regard to the right of sitting and voting in the House of Peers."

The Hon. *G. A. Ellis* seconded the motion, and said, that after the eloquent and convincing speech of his right hon. friend, it would be bad taste, and indeed presumptuous, in so humble an individual as himself to trespass long on the attention of the House. He was always of opinion that the general measure of removing the Catholic disabilities, was a measure of right and of justice. The part of that question which was then before them had an additional claim to their favour, inasmuch as it related to an exclusion which had its origin in a plot which was supported by perjury, and in the existence of which no one of the present day believed. He hoped the stain would be soon removed from the Statute-book. He recollected a saying of that spirited defender of the Protestant ascendancy, queen Elizabeth, who being advised to administer tests to the Catholics, replied, that she had better means of ascertaining the loyalty of the peers.

Mr. *Peel* said, that if his right hon. friend knew to the full extent how sincerely he admired his great talents—if he knew the great delight which he uniformly felt and expressed on every occasion where he had the good fortune to have heard his right hon. friend, he would be able to understand the regret with which he rose to answer the eloquent speech with which the House had been that night delighted. With those who did not know him, he feared he should incur the charge of presumption; but with respect to the

House in general, he felt confident that they would excuse him for rising to explain the reasons why he could not come to the conclusion which his right hon. friend would wish the House to arrive at. He knew the situation in which he was placed—he was aware of the difficulty of appealing, with any hope of success, to the House, whose feelings were warmed, and whose passions were inflamed by the splendid imagery, the imposing eloquence, of his right hon. friend. Cold reasoning and sober views of the question, he alone was competent to present; and he hoped the House would bear with him whilst he endeavoured to execute the difficult task which he felt it his duty to perform. His right hon. friend, at the conclusion of his speech, had thought fit to prescribe the ground which those who might follow him were to take, and the weapons which they were to use. With respect to that, he must say, that as his right hon. friend had given the challenge, those who accepted it were, by all the rules of war, entitled to choice of the weapons. It was not, however, his intention to enter on the discussion of general principles; he would endeavour to confine his observations within those limits which were pointed out by his right hon. friend. He would, in the first place, contend, that there were no reasons why that House should attempt to remove from the Roman Catholic peers those disabilities to which the Commons were subject. Upon no constitutional ground, upon no ground of policy, could he see the propriety of such a measure. As to those noble persons who were the subject of the motion, for their rank and their hereditary distinction, he felt the greatest respect; but still he would contend, that it was the duty of that House, to oppose a proposition for placing Roman Catholics in the other House of Parliament, whilst they continued the disabilities which excluded them from the Commons.

It was a difficult and a painful duty to attempt to follow his right hon. friend, but, however difficult the task, and however painful, he would not omit any argument which was urged by his right hon. friend, and he would endeavour to give to each argument the most fair and the most satisfactory reply. And first, as to the competency of that branch of the legislature to interfere in a matter affecting solely the other House of Parliament. When his right hon. friend said that such an interference was supported by precedents, he had only to observe, that the precedents quoted by his right hon. friend did not appear to him to bear upon the case. The only precedent which appeared at all in point, was that act by which the spiritual peers were excluded from parliament. That act was passed in the year 1640, immediately before the commencement of the civil war. It was at that period that the House of Commons passed a bill affecting the House of Lords—it was at that period that the precedent was followed; but, surely, it was not a precedent that ought to be followed or upheld. As to the other act, that of the 30th of Charles 2nd, it repealed the foregoing act. Could any thing be more natural than that, after such an act had been passed, the House of Commons should have hastened to repeal it? The object of his right hon. friend was, the repeal of the 30th of Charles 2nd. Did he mean to go to the full extent of that act? That act put both peers and commoners under similar disabilities; it subjected both to make declarations against the doctrine of transubstantiation. His right hon. friend had said that from the time of the Reformation, up to the year 1678, the Catholic peers sat in parliament, but that the Roman Catholics had been long before excluded from the House of Commons. He might be permitted to observe, that different opinions were entertained on that subject, and, upon that diversity of opinions, different arguments had been, from time to time, urged in that House. As so much had been said upon precedents, he would be glad to know to what extent his right hon. friend would respect the authority which he was now about to cite. Some, of course, would suppose, that he was about to refer to remote antiquity—to some almost forgotten name—to some musty opinion which could have no reference to the present question, or if it had any, introduced invidiously by those who had an interest in opposing the views which his right hon. friend had taken of the question—that question being, whether, from the accession of Elizabeth to the 30th of Charles 2nd, Catholic peers were on a different footing from Catholic commoners, and had the privilege of sitting and voting in parliament? The House would recollect the discussion which had taken place in the last session of parliament on the question of the Roman

Catholic disabilities. The object then was, by a final and conciliatory arrangement, to put an end to all further discussion, and to bind all his majesty's subjects in one common interest—in one common feeling—for the defence of the person and family of the king, and the maintenance of the constitution. The House would permit him to refer to the eloquent and impressive speech pronounced on that occasion by his right hon. and learned friend, the member for the University of Dublin. In that speech, his right hon. friend had said, that "the very year before the enactment of the disqualifying statute, the 30th of Charles 2nd, sir Solomon Swale, a Roman Catholic, and a member of parliament, was expelled that House. For what? Not because he was a Catholic, but because he was a Popish recusant. The argument was to be found in the debates of that time. It was stated by sir Robert Sawyer, that sir Solomon had convicted himself by not being duly qualified. The resolution inserted on the Journals of that House states the same disqualification. That expulsion took place the year before the 30th of Charles 2nd." These were the words of his right hon. friend; and if he was correct, it was evident that he cut the ground from under the feet of his right hon. friend (Mr. Canning) so far as he had gone, to shew a peculiar difference between the case of the Roman Catholic peers and the commoners. But his right hon. friend had not rested on the case of sir Solomon Swale alone. In that case an erroneous or unfair judgment might have been passed; but his right hon. friend had cited the title of the act itself, which was decisive of the question; it was "an Act for disabling Catholics from sitting in either House of Parliament." Thus it appeared, that when the general question was brought before the House, it was contended that, up to the year 1678, every rank was open to the Roman Catholics; and the House was told, that it was a mistake to suppose that the exclusion of the Catholics was co-eval with the Reformation; but, when the particular case of the Roman Catholic peers was submitted to their consideration, the case was reversed, and sir Solomon was forgotten. Not one word was said with respect to the title of the act. But an attempt was made by his right hon. friend (Mr. Canning) to shew a peculiar distinction between the case of the Roman Catholic peers and the commoners. All he (Mr. P.) could say was, that those authorities contradicted each other, and the House could not by any possibility come to the same conclusion with respect to both.

But his right hon. friend had said, that there was a distinction between the peers and the commoners on another ground. His right hon. friend had said, that there was something inherent in the privilege of the peers, which ought to protect them from the disabilities complained of. Upon constitutional grounds he would say, that at whatever period those disabilities might have been imposed on the Catholic peers, no ground was shewn by his right hon. friend to induce the House of Commons of the present day to subject the representatives of the people to disabilities from which the peers were to be exempted. He would also say, that there was nothing in the practice of parliament which went to recognize that inherent and exclusive principle for which his right hon. friend contended. The parliament had dealt with the privileges of the peers on more occasions than one. At the time of the Irish Union, the parliament subjected the peers to absolute disabilities. They certainly, on that occasion, introduced the anomaly of peers being elected like commoners; but it was never said—it was never supposed—that any inherent privilege of the peers was a bar to the Union. As to the Scotch Union, it was remarkable that his right hon. friend had omitted to state, how he intended to provide for the case of the Roman Catholic peers that existed at present in Scotland, or that may hereafter be created there. He should like to know whether, in the bill which his right hon. friend had moved for, he intended to introduce a clause to qualify Roman Catholic peers belonging to Scotland to sit and vote in parliament, or whether, he intended to respect that article of the act of Union by which the Scotch peers were pointedly excluded, *eo nomine*, from the House of Peers? They were not left merely subject to a disqualification growing out of certain oaths, but by the letter of the act, no papist was qualified to form any part of any of the estates of the realm, or to sit as members for any of those estates. He did not refer to that act, merely to shew that if it were repealed, an anomaly must exist, but he cited it to shew, that the legislature did not recognize any inherent principle belonging to the Peers, that

exempted them from disabilities to which on the same grounds commoners were made subjected. And when he referred to the act of Union with Scotland, he might be allowed to ask, who were the persons who framed that act? Who were the commissioners by whom it was managed? Lord Somers was one of those commissioners, and if there was any inherent principle such as his right hon. friend contended for, would lord Somers have disregarded it? Would the act of Union have destroyed it, and destroyed it for ever?

He now proceeded to another ground which his right hon. friend had taken. His right hon. friend seemed to think, that the privileges of the peers were so sacred, that they ought not to be affected any more than their lives or fortunes. The commissioners of the Union with Scotland did not think so. They dealt with those privileges—they excluded the peers from parliament, though they did not interfere with property or with life. His right hon. friend had said, that by excluding the English Roman Catholic peers from parliament an injustice was committed—and a stigma was unnecessarily placed on seven or eight peers. Now, he would ask his right hon. friend, whether by the bill which he intended to introduce, he intended to limit the number to be admitted into the House of Lords to the present existing number of Roman Catholic peers? Was it not, on the contrary, the object of his right hon. friend to give to the Crown the unlimited power of placing as many Catholic peers in the other House of Parliament as it might think fit? Thus would his right hon. friend emancipate one order of Roman Catholics, whilst the other were left under disabilities. The act would go to recognize this principle: that those who were not elected—who were nominated by the Crown—were to be freed from all disabilities, whilst those whose functions were temporary—whose power was limited—were to remain excluded.

The House would here permit him to call to their recollection the situation in which it stood with relation to the Catholic question. It was seven or eight months ago since that House had passed a bill to relieve the Roman Catholics from the disabilities under which they labour. That Bill declared, that, considering the disposition and conduct of the Catholic body, it was fit and proper that the disabilities under which they laboured, should be removed. What, he might be permitted to ask, was the pressing necessity which could now induce the House to agitate this isolated branch of the question? Since the question had been brought forward by Mr. Fox, and seconded by Mr. Grattan, in the year 1805, up to the present moment, no proposition of the kind had been ever submitted. Why was that anomaly introduced? Under what circumstances was it proposed to the Commons to remove from one order of the king's subjects, disabilities to which they were themselves subjected? It was after his right hon. and learned friend, the member for the University of Dublin, had given notice, that at the earliest possible opportunity in the next session of parliament, he would bring forward the whole of the subject for the consideration of the House. Why, then, should this branch of the subject be pressed at the present moment? Was it that at the end of the session the barren privilege should be conferred upon the Catholic peers to sit in parliament during the recess, when no parliament would be held. If the question were to be agitated the earliest moment that parliament should assemble the next session, he could not see, that any case had been made out to induce the House to entertain at the present moment a peculiar branch of the question.

His right hon. friend had referred to the period at which these disabilities had commenced; and had attempted to attach to the law which excluded Catholic peers from parliament all possible odium, on account of the Popish plot, and the discoveries which had been subsequently made. His right hon. friend had said, that from the time of Elizabeth to the year 1678, the peers had the right of sitting in parliament, and that they were then removed in consequence of the Popish plot. He protested against that mode of treating a legislative question. The exclusion of the Roman Catholic peers was not to be traced up to the Popish plot, or to any particular act, but was to be accounted for on a general reference to the history of the times. Like all periods of commotion, the times to which his right hon. friend alluded, afforded many causes of distrust; and men were generally predisposed to trace to one cause an event which might have been the effect of many causes. So it happened at the period of the civil wars—so it happened during the

French revolution. But it was not to the popish plot merely—that the exclusion was to be traced, but to the general state of the times. It was an act founded on the policy of the legislature in 1678, and confirmed at the period of the Revolution —confirmed at that period when the Bill of Rights was passed, and when a popish king was excluded from the throne. Let any man look to the period of Charles 2nd, and, whether he might think that the story of Oates was a fabrication or not, he would find that there then existed against the liberties and religion of this country a formidable and an infamous conspiracy. He would find, that the object was not merely to establish the claim of a popish successor to the throne, but the downfall of the religion of the country. In justice to those who laboured to defend that religion, and to support the threatened liberties of the country, it was but fair to bear in mind the peculiar circumstances under which they were placed. The mere jealousy of a popish successor was not the only object of suspicion, with those who were at that day labouring for the salvation of their country. If he, for the sake of argument, admitted that the popish plot was nothing but a fabrication —if with Dryden he were to say—

"Some truth there was, but dashed and brewed with lies,
To please the fools and puzzle all the wise;
Succeeding times will equal folly call,
Believing nothing, or believing all"—

Or, if he supposed that it was mere madness and folly in those who believed something respecting that plot, yet would he implore the House to take into view the situation of the country at that period. Taking it for granted that the popish plot and the story of Oates was a mere tissue of fabrication, yet would he ask, what had predisposed the country to receive and to credit that fabrication? The country was at that time enlightened. It was at that very period at which Mr. Justice Blackstone described the constitution to have arrived at the highest pitch of theoretical perfection—that period which Mr. Fox described as the æra of good laws and bad government. Why then, at such a period, did the people swallow with avidity every story that was propagated against the Catholics? What had occurred even for the short period of eight years before the passing of the act? Charles 2nd, by every means and artifice, appealed to every good and generous feeling of the country. He issued a declaration in favour, as he said, of the liberty of conscience. He exercised the dispensing power—that power which stood opposed to the security of public liberty—that power which was reprobated at the Revolution—and he exercised it for the purpose of relaxing the laws against the Roman Catholics. Though he affected to exercise that power in favour of the Dissenters, to their credit, they refused to be relieved from the disabilities under which they laboured, because they saw, in the exercise of that power, a plot for the extinction of the liberties of their country. To forward the Roman Catholic religion in England, Charles entered into a treaty with Louis 14th. The object of his policy and views might be best collected from the confessions contained in Coleman's letters. Coleman was secretary to the duke of York. They were written in 1675, three years before the enactment of the bill for the exclusion of Catholics from parliament. In one of those letters, he says, "a plan is now in agitation to give a death blow to that pestilential heresy with which the northern parts of Europe is infested." It went on to say, that the plans which the duke of York had in agitation, were likely to be more successful than any that had been tried since the time of Mary. It was right to mention these circumstances. It was not fair to confine the discussion to the fabrication, if it were a fabrication, of Oates, whilst other circumstances of that reign served so strikingly to explain the policy of parliament at that period. Charles had also entered into a secret treaty with Louis 14th, by which he expressly declared that he, the king of Great Britain, was convinced of the truth of the Catholic religion—that he was determined to declare himself a Catholic, and to be reconciled to the Church of Rome—that for carrying those purposes into execution the assistance of Louis might be necessary. For the purpose of facilitating the design, it was agreed, that the king of France should advance to the king of England 200,000*l*., and should furnish troops and money in case his subjects should rebel against him, which could not be the case. This was a treaty, not with James 2nd, not with the duke of York, but with Charles 2nd, the reigning monarch, to barter the liberties and religion of this country for 200,000*l*., not half the sum which we should now vote for a Caledonian Canal, or a Milbank

Penitentiary. When it was said, that at the time of the Revolution there was no cause for jealousy of the Catholic peers, should it not have been borne in mind, that this disgraceful treaty was concluded by the advice of lord Arlington, lord Clifford, and lord Arundel of Wardour, three Roman Catholic peers? Was it surprizing then, that independently of the popish plot there should have existed a peculiar jealousy of Catholic peers?

His right hon. friend had also dwelt with great force on an order of the House of Lords, passed in 1675, which declared, that the peerage being an inheritable privilege, no bill should be received in that House to impose any test on peers. His right hon. friend had thence argued, that after this solemn declaration, it could only have been under *duresse*, or under the influence of extraordinary terror, that the House of Lords could have so shortly passed the bill which disabled Catholic peers from sitting and voting. So far from any such inference being warrantable, in that very bill out of which the order originated, a test was included, which, though it did not pass, was retained in the bill to its latest stage. The date of 1675 was highly important. The whole history of that act, and the debates upon it, were given by Mr. Locke, in what was called "A Letter from a Person of Quality to his Friend in the Country.* The act was not directed against the Roman Catholics, it originated with the Spiritual Lords, and was directed against the persons who were infected with the old leaven of the civil wars. No less than seventeen days were occupied upon it, and it was perfectly true, that in the course of the debates an order was moved by lord Shaftesbury, to prevent the imposition of test; yet, at the very moment this order was made, the House of Lords did in fact the very thing that was objected to. After the order had been made, the lord keeper proposed a test equally applicable to both Houses; and in Mr. Locke's letter would be found a protest on the subject, the ground of which was, that it was inconsistent with the order. The lord keeper stated, nevertheless, that the House was master of its own orders, and, as far as the bill went, it was accompanied by a test, the effect of which would be, to exclude Roman Catholic peers. The general history of the motives actuating lords Shaftesbury, Halifax, and Hollis, to support the order, was given by Burnet, who said, that the new test was opposed by those whom he terms Papists, because they well knew that if there were any precedent of a test, it would be applied to themselves. He added, that lords Shaftesbury, Halifax, and others, thought it was not right that any test should be imposed upon members of parliament; that peers were appointed by the Crown, and Commons elected by the people; and that it was absurd to impose a test that would shut them out from the national deliberations. At the Revolution, the bill passed requiring the declaration against transubstantiation, and altering the oaths of allegiance and supremacy; and if any act of parliament could in its nature be permanent, permanency ought to belong to those acts passed at the period of the Bill of Rights, when it was declared, that James 2nd had a design to extirpate the Protestant religion, and had been under the direction of evil councils and ministers. Such was the intention of the legislators of that day, and he never could believe, if it were not their intention, that lord Somers and the other Whigs would in 1705, so soon after the Revolution, have inserted the articles in the Scottish Union, that the Peers and Commons from thence should necessarily be Protestants, and Protestants only. At the time of the Revolution, the parliament naturally took a view of the dangers to which, in preceding years, the country had been subjected. They saw in the reign of Charles 1st the danger which had flowed from a king under the influence of a Catholic queen. They saw, in James 2nd the danger of a Roman Catholic king, acting directly against the religion of the country. But what did they see in Charles 2nd? A king in outward conformity with the Protestant Church, but under the influence of Catholic advisers, engaged in plans subversive of the liberties of the people and the Protestant religion. Providing, therefore, against the dangers in the several reigns, they declared, to meet the danger of the time of Charles 1st, that the queen should not be a Catholic; to meet the danger of James 2nd, they declared that the king should be a Protestant; and against the danger of the time of Charles 2nd, they declared that the king should have Protestant advisers. It

* This curious pamphlet will be found in the Parliamentary History, v. 4. Appendix, p. xxxvii.

was from this motive, that, ten years after the discoveries of Oates, the great men who established the Revolution, thus established also the Protestant character of the constitution of the country.

There were two other points to which his right hon. friend had referred. The Catholic peers had been summoned to the solemnity of the coronation; and his right hon. friend had argued, from this act of courtesy, that they should be admitted to the power of legislation. This was the only part of his right hon. friend's speech which he had heard with pain. If a disposition existed among those who maintained the propriety of the disabilities under which the Catholics were placed, to admit them to all the honours and privileges not inconsistent with the safety of the state, he had thought that his right hon. friend would be the last to discourage this instance of liberality on the part of the sovereign. If the foreign individuals present at that ceremony, to take up the supposition of his right hon. friend, were told, that the Catholic peers were merely like the wax candles or lustres introduced to fill up the show, and that they were excluded from legislative power in the state, they might have heard it with disgust. But if it were explained to them, that the constitution was essentially Protestant, and that it was the practice to require, not conformity indeed, but an abjuration of the Catholic religion, their admission to all honours consistent with the preservation of the political principle, would be rather deemed a mark of liberality and wisdom. If a disposition appeared on all hands to give the duke of Norfolk, for instance, not power, but every privilege not involving political power—if there was a disposition to grant to lord Fingall every honour that could be safely bestowed—he hoped his right hon. friend would view the measures in their proper light, and not take advantage to impose on those who advised or concurred in them the necessity of further concession. Of this he was sure, that if any one had hunted out of the rules of the order of St. Patrick any regulation which might have opposed the admission of lord Fingall—if any one had said, that the honour was conferred as a reward for loyalty and high character, and lord Fingall being a Catholic, was not a fit subject to bestow it on—they would not soon have heard the last of the outcry against such a glaring instance of obstinate bigotry. He (Mr. P.) should certainly in such a case have advised the Crown not to execute too rigidly laws which might be in themselves necessary, but to open all the avenues to distinction, when it could be done with safety to the country; and assuredly in such a case he should not have, on that account, deemed himself concluded to admit Catholic peers to the large privilege of a seat in the House of Lords.

His right hon. friend had last of all adverted to the strange state of the legislation, on the subject of the Catholics. But, would the measure proposed by his right hon. friend cure any one of its anomalies? Would not the state of the Irish Catholic peer present a new mass of anomalies? The Irish Catholic peer would be qualified to sit in the House of Peers: he might be elected as a representative peer; but when the same individual offered himself as a member of parliament for a town or county in England (as an Irish peer might do), he would be turned back, because he could not take those oaths and declarations which he was freed from in the House of Lords. He would ask, whether this was not a striking anomaly? If, also, the Roman Catholic English peer was called, as he would be by his writ of summons, to counsel and advise the Crown, "*de rebus concernentibus Ecclesiam Anglicanam*,"—if he were to be admitted to legislate for the Church of England, would it be no anomaly that he should not be permitted to act as a magistrate in the county in which he might reside; and could he, by any sound argument, maintain, that, for instance, when the duke of Norfolk was admitted to the first privilege and power of his high rank, he should be precluded from receiving the slightest mark of the confidence of the Crown in the way of official situation. The exclusion under which the Catholic peers would then labour did not of course present itself to him as an evil; but it was a strong reason for postponing the case of the peers, until they also discussed and decided the other parts of the great question.

He saw around him many who had opposed, and many who had supported, on distinct grounds, the Catholic claims. To those who thought with him, that there was danger in the admission of the Catholics to legislative power; to those who thought with him, that it was in the other house of parliament that the danger arose, it would not be necessary to say more, as to a measure for again admitting Catholics into that branch of the legislature; but,

with thanks for the indulgence with which the House had heard him, he would address a few words to those who had hitherto supported the Roman Catholic claims. There were many who supported the claims of the Catholics, who thought, whenever this great question came to be discussed, that there should be a final and conciliatory arrangement. To them he should say, that the measure before them would not be final; and he doubted much whether it could be conciliatory. There were others who thought, that when they proceeded to remove the disabilities under which our Catholic brethren laboured, they should consider, at the same time, the whole state of the Catholic Church, with a view to take those securities, which in the last session had been appended to the bill of relief. In the last session, the right hon. gentleman had objected to separate the securities from the concessions, because if the concessions were not carried, it would not be fair to demand the securities. But he would ask whether it would be wise to pass a partial measure, and to open to the Catholics one branch of the legislature, with no security whatever? What would be their situation, when in some future stage of concession, they began to insist on securities? Would it not be said, "You have opened one branch of the legislature to the Catholics: you have admitted those who have hereditary and irrevocable rights; you have given the Crown the power of calling to the House of Lords any number of its Catholic subjects; you have done this without taking any securities; and when you, the House of Commons, come to admit persons elected by the people to serve only for a limited time, will it not be invidious for you to require those securities which, in the former case, you have declared unnecessary." Would it not be said, when they admitted, not the duke of Norfolk and lords Clifford and Shrewsbury only, but all their descendants—when they gave the power of creating any number of Catholic peers, not merely to the reigning monarch, but to monarchs in all time to come—that, if in return for so large a concession to the aristocracy and the Crown, they had required no security, it would be invidious in the representatives of the people to require security against a danger which could only arise through the exercise of the choice of the people? There were those who thought with him, that there was some danger in acceding to the claims of the Catholics, who still said, that that remote and possible danger should be hazarded on account of the state of Ireland, and because they conceived that the government of Ireland was placed on too narrow a basis, and could not be carried on unless they opened the enjoyment of all civil privileges to the Catholic subjects of the king. Would the opening of the House of Lords to Catholic peers, while Catholics were excluded from the House of Commons, advance the views of these gentlemen. There were others who with his right hon. friend, the member for the University of Dublin, viewed this question on the broadest constitutional grounds, on the assertion of the right inherent in every liege subject of his majesty of admissibility to office. The assertion of this principle he could not give more strongly than in his right hon. friend's own words:—"I speak in the presence of enlightened constitutional lawyers and statesmen, and I do not fear contradiction when I assert, that the doctrine of exclusion is not to be found in the principles or in the analogies of the constitution. It is not to be found in the history of our country, or in the opinions of any of our statesmen; and it is at once inconsistent with the subjects rights and the king's prerogatives. Ours is a free monarchy, and it is of the essence of such a government, that the king can call for the services of all his liege subjects, otherwise it is not a monarchy; and no class of subjects can be excluded from privileges, otherwise it is not a free monarchy." He appealed to those who had used or adopted this language; and of them he asked—the time being arrived when it was wise and safe to remove restrictions preventing admission into the House of Lords—if it was just or decent to continue the restrictions to admission into the House of Commons. If admissibility to office were a general right belonging to all ranks of Roman Catholics, why were the disabilities of the great mass of that body to be postponed to the claims of a few, however respectable, founded as those claims were, only upon the same inherent right? All he required—and it formed the whole object of his address—was, that the claims of the Roman Catholic peers should be postponed until the whole question, with the securities, was again introduced. He gave his right hon. friend full credit for the best intentions. He was perfectly sure that his right hon. friend fancied there existed in the case of the peers a peculiarity war-

ranting this distinct motion in their favour: but he was equally certain, that it was neither worthy of the great abilities of his right hon. friend, nor of the character of the House, thus, by a partial measure, to give an advantage to the great question, independent of the principles upon which it must rest its pretensions. He had thus attempted to state why he had arrived at a different conclusion from his right hon. friend. It was not his intention to move the previous question, in order to secure some stray votes but to meet the motion in the most fair and open manner. He should pursue now the course in which he had always proceeded on this subject, by giving the proposal his most decided negative.

Lord *F. Gower* could not hesitate to declare his sentiments in favour of the motion. So long as the restrictions were removed from the Catholics, he cared not about the anomalies so much dwelt upon by the opponents of the measure. He was anxious to do an act of justice, and he was clearly convinced of the justice of the claim of the Catholic peers. If the six Catholic peers were the rankest Jesuits that ever infested the Escurial, he should be ashamed of having a seat in that House if their admission to participate in all their just rights in the legislature could excite one moment's alarm in that House. He considered the fears of those who resisted the Catholic claims generally to be altogether chimerical.

Lord *Nugent* said, he entertained certain opinions with respect to the whole question of Catholic emancipation, and feeling these opinions strongly and conscientiously, he approached the motion with considerable difficulty. He could not see how, in point of principle, the grounds on which they advanced to this question could be fairly severed from the case of the Roman Catholic body in general. The question was, whether there any longer existed a justification, or a semblance of justification, for excluding the Roman Catholics generally, on account of their religious belief, from those civil privileges of which they had been so long deprived? He thought that this subject could stand on no other parliamentary ground with advantage. On none, he was sure, could it be placed so plain and so direct; and, he for one, might be allowed to say, that on none could it be advocated so beneficially in parliament; because, by stating the question thus generally, the onus of making out a case of justification was completely thrown on the other side. The cause of those who were favourable to Catholic emancipation stood simply on the showing that the disabilities which affected the Roman Catholics were exceptions from the general spirit of the English law—exceptions from the otherwise undistinguishing doctrines of the British constitution. It appeared to him, on another ground, that the general argument was better than one of a partial description; because it came in a more direct and straight-forward way. He confessed he was one of those who never could shrink from considering those privileges as matter of strict right; and he did so on the ground that, from the moment they could be supported as claims of clear justice, they appeared to him to be claims of clear right. It seemed to him to be necessary, that the adversaries of this question should, from time to time, from year to year, point out the existence of some great and still-continuing danger, which justified the exclusion of the Catholics from those privileges to which, in the absence of such a danger, they were entitled. He would not press this point farther on the consideration of the House, except to allude to one of the arguments adduced by the right hon. mover, and which, in his opinion, might be pushed to a much greater extent than the right hon. gentleman had thought fit to do. He had stated, that not only the history of the time, but the very title of the act under which those disabilities were imposed, proved that it was adopted under circumstances of temporary expediency. It was an act to secure his majesty's person and government against a supposed danger; it was an act founded on terror; in other words, it was the offspring of a plot. The evidence of the existence of that plot was now believed by very few people; but still the act to which it gave birth was in full force against the Catholics. It was, then, on this broad ground that they were entitled to the restoration of their rights altogether. They had been originally bereaved unjustly of them; and they were now, without any satisfactory cause, withheld from them. This question could not be reasoned on the principle of expediency; it was a claim of pure justice and right, and the refusal to concede it was an adherence to wanton and manifest injustice. It was singular enough, that one of those bulwarks or safeguards, as they were called, of the constitution—he

meant the declaration against transubstantiation—rejected a doctrine, the truth of which queen Elizabeth would not suffer to be discussed, in the defence of which Martin Luther wrote a tract, and, by supporting which, Henry 8th obtained the title of defender of the faith. The Roman Catholics were now called on to abjure, by a declaration on oath, that very doctrine which the first Protestant king of England would have burned his subjects for refusing to subscribe and acknowledge as an article of their religion. If they looked to the 39 Articles, they would also find, that this declaration was at variance with the discipline of the Protestant church: they would perceive, that the declaration, so enacted, and at variance with the 39 Articles, was drawn up for the mere purpose of enabling persons of a different faith, to accuse, on oath, nine-tenths of all christendom of idolatry, and to prevent the Catholic nobility from serving the state of which they were subjects. That was the measure which brought a bar and stigma home to them in their private capacities. They could not be even intrusted with the commission of the peace. And who were the men that were thus excluded? Amongst them were to be found the names of Mowbray, of Fitz-Allen, and of Maltravers, the posterity of those who had signed the great charter; of Talbot, the descendant of the great man who had twice conquered France, and added her shield to the escutcheon of England; of Norfolk, the earl marshal of England, who, though possessed of that elevated and honourable title, was excluded from exercising the most petty jurisdiction. Was it not lamentable that the name of Howard, a name so intimately connected with the glories of England, could not give sanction and validity even to a paltry parish rate? He could not recollect these circumstances—he could not remember that these individuals were descended from some of the most patriotic men this country ever produced—without emotions of sorrow; and he did not envy the feelings of those who could, without regret, contemplate their present situation, oppressed as they were by unjust disabilities. They were the last remnants of our most ancient families—they might classically be called the representatives of old English nobility. They stood proudly independent amidst the ruin of their privileges, determined to give up these privileges rather than the faith of their fathers; and, to men of such unbending honour, the privations under which they suffered must be severe in the extreme.—With respect to the motion which he was particularly called on to discuss, he assured the House that he came to it with more difficulty and hesitation than he had ever felt on any former question. As to the great cause which this motion was intended to assist, it should always have his firm and decided support. It was intimately connected with the first principles of justice and liberty. He did, however, feel certain apprehensions, with reference to the present motion; and, if he could bring himself to support it, he should do so only on the belief, that, before long, the objectionable parts of this proposition would be merged and lost in the great triumph of justice and liberty, which he confidently anticipated. But, if he could by possibility suppose that the law would remain unamended after the passing of this bill, he would, on the whole, prefer the state of the law as it now stood, monstrous and anomalous as it was. Singly taken, the right hon. gentleman's measure could do little good; while in some respects it had a tendency to establish an anomalous principle. He had never voted for the Catholic question, except on this great political ground, that every man was fully entitled, whatever his religion might be, to exercise the privileges of a citizen. The proposed bill asserted no such general principle: on the contrary, taken singly, it brought back the law to an anomalous state. In the present state of the law, Englishmen were separated from Englishmen—Protestants from Catholics. That separation was founded on the principle of religious difference; but the law which the right hon. gent. endeavoured to introduce would divide Catholic from Catholic, on no principle at all. It was, therefore, in the full conviction that the great measure would, ere long, be carried, that he would give it his support. Why should not the House come at once to the general question? Why were they now confined to a part, when formerly they had carried the whole?

Mr. *Warre* could not agree with his noble friend in some of the arguments which he had urged against the motion. In the year 181[illegible] it was not objected to the bill for removing the disabilities which excluded Catholics from the army and navy, that it was only a partial measure.

Why then should his noble friend object to the motion on that ground? The right hon. secretary had said, that there was no precedent of a measure which immediately affected the privileges of the other House, having originated in the House of Commons. He would recall his recollection to a precedent, not perhaps strictly in point, but still extremely material in point of analogy—he alluded to the Septennial bill which was a bill absolutely regulating the duration of that House, and which nevertheless originated in the House of Lords. There was an historical fact which had an immediate reference to the question before the House. Lord Montague, a Catholic peer, had vigorously opposed the bill of supremacy, and had shown the strongest Catholic propensities. Yet four years afterwards when Elizabeth was threatened by one of the most formidable Catholic sovereigns of Europe, she selected this very lord Montague as ambassador to the court of Madrid. She had no hesitation in trusting him because he was a Catholic; for she knew him to be an honest and loyal subject; and his exertions at the court of Madrid were in the highest degree successful. The great lord Chatham had well said, in answer to some objections which were urged against the policy of employing the Highlanders, in consequence of their Jacobite principles, that he had found in the Highlands a brave and gallant race of men, against whom unjust prejudices were entertained, that he had taken them under his protection, that he had called them forth to fight the battles of their country, and that his expectations had not been disappointed. He (Mr. W.) doubted not, that if the disabilities under which our Catholic brethren laboured, were removed, there would be found among them, on all occasions, some of the most useful and valuable members of the legislature.

Mr. *Martin*, of Galway, said, the Catholics of the county with which he was connected, were most anxious for the success of the present measure. The speech of the right hon. secretary would apply with equal force to the times when the mitigation of the penal code was first under consideration, as to the present time, and even with greater; for surely it was unreasonable to refuse the small advantages that remained, when every thing of real magnitude was already in their possession. It mattered very little what the conduct of the Catholics was a century ago. To quarrel with the Catholics of the present generation for what their progenitors had done, was playing the part of the wolf in the fable towards the innocent lamb.

Mr. *Plunkett* said, that the peculiar ground upon which the motion of his right hon. friend rested had been so completely exhausted by his luminous statement, that he should not have trespassed on the House with a single observation, were it not that he had the petition of his Roman Catholic fellow-subjects in his hand. If, being so circumstanced, he had continued silent, it might have been supposed that he felt the present question as an interference with the motion which at a future period he was bound to bring forward. It was in order to negative that impression that he now rose. He agreed perfectly in the motion of his right hon. friend, because he considered it as a step towards the general measure; but, even if he did not consider it in that light, he should still feel himself called upon to support it as an act of substantial justice, though not going to the full extent which justice demanded. Last session when the great question was before the House in all its parts and bearings—with all its qualifications and securities—considerable embarrassments were thrown in the way of those who supported it. It was finally carried, and received the sanction of that House; but, during its p[illegible], it was involved in multifarious [illegible] and accompanied by guards and s[illegible]s which endangered its success. He did not complain that it was unfairly dealt with in the opposition which it had received from his right hon. friend (Mr. Peel); but that opposition, joined to the complexity of its details, occasioned its friends considerable embarrassment. Some of those members who supported the measure anticipated so little danger that they objected to the securities, while others thought all securities insufficient. It was, therefore, to him a great source of satisfaction to see a measure introduced so little liable to misconstruction, and so little connected with danger, as to relieve its friends from all those embarrassments. Nothing could be more simple than the object of his right hon. friend. He proposed to repeal a part of an act which excluded a few Irish and British peers from their seats in the upper House, and to restore them to the enjoyment of this

privilege. Those peers had been restored to the privilege of approaching their sovereign, and giving him advice in managing the affairs of the nation; and the intended measure would only enable them to defend in their places in parliament the advice which they had privately given. No objection had been stated to the justice or the expediency of the general measure, no apprehensions of danger had been uttered at concession, no attempt had been made to show that it would be bestowed on the unworthy. It had been opposed only on points of etiquette, and the debate upon it had been turned to disputed portions of history. It was said, that the motion ought not to be agreed to, because the concession here obtained would only lay the ground for additional demand, and because this was a partial measure, preparatory to the general measure. This was no objection to those who had brought forward and carried the general measure in this House last year, and who had not concealed that it was intended next session again to submit it to the consideration of parliament. He (Mr. P.) would be glad, before the general measure should be again submitted to the other House, where it had been lost last year, that those who sat in it should be called upon as men, as gentlemen, and as men of honour, to receive among them those peers who had originally been unjustly deprived of their privileges or to state the grounds, in law and justice, of their continued exclusion. He [illegible], when these peers knocked at [illegible] of that [illegible] of their house for admission, th[illegible] was ex[illegible] who opposed their entrance would be able to state the principle of right and justice on which they acted, and would not sanction rules which would place their own valued privileges and hereditary distinctions at the mercy of some Titus Oates of after-times. This measure of justice was, to reverse an act of attainder passed on the evidence of the most infamous of mankind, and in circumstances of alarm which had now for ever disappeared. The least attention to these circumstances would show the injustice of the exclusion. The cause of it was not that the Catholic peers were dangerous counsellors, but that the House of Commons, in the reign of Charles 2nd, suspected the king of being a Catholic, a fact which, though unknown at the time, was afterwards ascertained to be the case, and dreaded a Catholic successor to the throne. It was, certain that if a bill of exclusion against the latter could have been carried, this bill of attainder against the peers would never have passed. What, then, was done? The innocent had been proscribed and punished because an exclusion bill could not be carried. The guiltless were attainted because the proper object of attack could not be reached. His right hon. friend (Mr. Peel) had said, that it was not alone the fear of a Popish succession, or the alarm of popish plots, which had led the parliament of the reign of Charles 2nd to pass the act which the motion was intended to repeal, but that for a long time a just distrust was entertained of the Catholics, and a plot was going forward to subvert the liberties and change the religion of the country by foreign aid, that an alliance had been formed with the court of France for this object, and that the Roman Catholics were ready to second any invasion of their country which might enable them to regain their lost power. He would admit that the Catholics of that day were not well affected to a Protestant state, or to the Protestant throne. Nor could they be expected to be so. He admitted that other causes of suspicion against them existed than the fable of the Popish plot. Be it allowed that they were disaffected then! The question was, were they so now? This recurrence to history would be found to contain the strongest argument for the motion; for, if the spirit of the Catholics now was so different from what it had been then, why apply the same rule to both?—On what ground continue an exclusion against a loyal and well-affected peer, which had been obtained against his disloyal and disaffected ancestor?—On what ground enforce an act which passed when doubts existed of a Protestant succession and of rebellion, when the succession to the throne is secure, and disaffection no longer existed? But his right hon. friend had not felt secure in resting on the history of Charles the Second's reign.—He had gone down to the Revolution, and had appealed to the principles then sanctioned, in support of his own views. He begged leave to set his right hon. friend right on some of these points. The laws against the Catholics, to which he had alluded, formed no part of the Revolution—they formed no part of the Bill of Rights. The last act was not mentioned in the Bill of Rights. The amended oath of supremacy was excluded

in that bill; because it was intended, by setting it forth at full, to show the difference between that oath and the oath of the same name framed in the reign of queen Elizabeth. When the Revolution was appealed to as a sanction to measures of a penal and partial character, or on questions of this kind, he professed that he did not know what was meant. Was it meant that all the acts which preceded, accompanied, or followed the Revolution, were parts of the Revolution? If they were, then the repeal of the penal laws against Catholics, and the relaxation of various statutes for admitting them to civil privileges, had made great inroads on the glorious Revolution. According to this principle, the law that deprived the Catholic of the superintendance of his own children's education, the law that prohibited him from acquiring property, the law that banished him to within six miles of the palace of Westminster, were all parts of the glorious Revolution. In short, the 10th and 11th of William, with all its injustice and cruelty, were parts of that Revolution. By that statute, saying mass was punishable with perpetual imprisonment; the Catholic was to forfeit his estate to his nearest Protestant relation, unless he abjured his faith, and he was subjected to many other persecutions. When the glorious Revolution was considered as giving a sanction to acts like these, it might be of use to inquire into the history of this statute. It was given by bishop Burnet, but he would read it in the language of Mr. Burke:—"A party in the nation, enemies to the system of the Revolution, were then in opposition to the government of king William. They knew that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and popery, out of a country where a third of the people are contented Catholics under a Protestant government. He came with a part of his army composed of those very Catholics to overset the power of a Popish prince. Such is the effect of a tolerating spirit; and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, every thing becomes subject to it, and its very adversaries are an instrument in its hands. This party resolved to make the king either violate his principles of toleration, or incur the odium of protecting papists. They therefore brought in this bill, and made it purposely wicked and absurd, that it might be rejected. The then court party, discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie on its original authors. They, finding their own ball thrown back upon them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass what they hoped the other would be persuaded to reject, went through the legislature contrary to the wish of all parts of it, and of all the parties who composed it. In this manner, those insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and liberties of their fellow creatures." Now, all this was done in the glorious Revolution. But the glorious Revolution was at an end if it consisted of this statute as one of its component parts; for it had been repealed long ago, and the argument of his right hon. friend would better have been employed in 1791 than now. If, then, the laws which preceded and followed the Revolution were not parts of it, why should we be restrained from doing an act of right and justice by an appeal to it? The principles of the Revolution did not require the exclusion of any class of the people from civil privileges, on account of religious opinions. The Protestant religion, he allowed, had had a great influence in establishing the Hanoverian succession, but it was the spirit of freedom which was the cause of both. He did not feel disposed to go at length into the history of religion in this country; but he would just observe, that the Reformation arose not so much from a dislike to the doctrines of the Roman Catholic church, as from resistance to the exactions of the court of Rome; and during the reign of the Stuarts, the Protestant religion was always joined with freedom to oppose popery and arbitrary power. If the Protestant establishment could only be preserved by the maintenance of principles which would exclude great classes of the people from civil privileges, the price would certainly be great. Mr. Burke, no enemy to the establishment, had truly observed, "I cannot conceive how any [illegible] worse can be said of the Protestant [illegible] of the Church of England than [illegible] that, wherever it is established, it becomes necessary to deprive the body of

the people of their liberties, and to reduce them to a state of civil servitude." This was not necessary in his (Mr. P's) opinion. The safety of the establishment could be easily reconciled with the admission of persons, professing another religion, to civil rights. He would, therefore, support the motion as a great measure of justice. He would have supported it, though it had included only one peer. Every instance of exclusion, every hour of delay in admitting them to their rights, was an injustice—while every concession was an act of conciliation and justice. It had been objected, that this measure, which affected the other House, should begin in this. This objection must be stated on the part of the other House; but it had not been acted upon last year, when a bill was thrown out in that House which affected the Commons. When a joint bill was sent up, it was rejected because it was a joint bill: when a separate bill should be sent up, it would be rejected as a separate bill: there never would be wanting pretexts for rejecting. The right hon. gentleman concluded by warmly supporting the motion.

Mr. *Wetherell* rose amidst a loud cry for the question. He considered the proposition a novelty, and was desirous of making a few observations on some of its points. The right hon. mover had departed from the principle upon which the greatest authorities had supported the claims to Catholic emancipation. He might mention Pitt, Fox, Windham, and Ponsonby. Those distinguished characters had all declared, that no measure but a general measure should be brought before parliament. It was formerly held that concessions should be made on one side and security given on the other. By that arrangement Catholics and Protestants were to be reconciled. That was the proposition on which the bill of last session was founded; but the measure proposed by the right hon. gentleman was all concession on one side, and no security on the other. If Catholic peers were allowed to sit in the House of Peers, could that House say that Catholic commoners should not come to the House of Commons? If they were to be admitted, which they must be if the present proposition was adopted, what would become of Mr. Pitt's principle, that no concession could be made without securities for the preservation of the constitution. The right hon. gentleman proposed the introduction of six or eight Catholic noblemen to parliament, who could not be bound to subscribe to any test whatever. The bill reminded him of Dr. Johnson's account of his journey in Scotland, where he went to an inn, and found nothing solid or fluid in the place, but an entire blank of provisions. The right hon. gentleman's bill was a perfect blank of securities. If the right hon. gentleman was right in the application of his principle without securities, all the persons whose names he had mentioned had taken a narrow and partial view of the subject; for not one of them had ventured to ask for concessions without securities. The House ought to see to what a compliance with the measure proposed would lead. If such a bill were carried, Catholic commoners would, next session, claim to sit in that House without restraint. If they turned to the church, the clergy would say, Why make us submit to the Crown the nomination of bishops? Why claim a veto?—You have rescinded your restrictions with respect to members of parliament, and you ought no longer to restrain us. That would be the necessary consequence arising from the adoption of the right hon. gentleman's measure. His opinion was, that parliament, doing their duty, could never admit Catholics to the privileges of the constitution without securities. The rights of Protestants and Catholics could never be secured, on the principle of the right hon. gentleman's bill. If it were true, that the public opinion was, as it was said, liberalising on this question—if its advocates were every day gaining ground, and the strength of its adversaries diminishing—if all these things were true, let the question, in its entire state, be submitted to the consideration of the House. He should prefer the passing of the whole measure of concession rather than entertain the subject piecemeal. Instead of his mind being convinced by the course the right hon. gentleman had taken, he was free to confess that, as to the extension of concession, it had, from the nature of the course pursued, rather retrograded. He was not disposed to deal in compliment: he had no wish to measure spears with the right hon. gentleman; but, in the spirit of that free agency which it was the duty of a member of parliament to feel, he must say that the measure that night proposed was the acme and perfection of unrivalled singularity. What was the object of its

introduction by the right hon. gentleman? He believed it was because the right hon. gentleman was anxious to make that speech in the year 1822, which, from circumstances, he would not be able to make in 1823. The learned member then proceeded, but the noise which prevailed rendered him wholly inaudible.

Mr. *Canning* rose to reply. After the full measure of indulgence which the House, in its kindness, had extended to him, he assured them that he reluctantly availed himself of that privilege which the forms of the House extended to those who had the honour of submitting any proposition to its deliberation. There were, however, some points in the speech of his right hon. friend (Mr. Peel), and in that of the hon. and learned gentleman who had just sat down, so peculiar, that he could not forego the opportunity of making a few observations upon them. If the measure he had introduced was of the singular character the hon. and learned gentleman had described it to be, he must say that it had been treated by its opponents with equal singularity. If they had not given him arguments, they were at least not sparing in admonitions—gentle indeed, but still admonitions against the course which he had pursued. All the speeches of these opponents, not excepting the speech of the noble lord, who was in the habit of presenting to the House the very petitions of those Catholic peers, whose restoration to their hereditary honours he was then advocating, dwelt not upon the impropriety of the measure itself, but on the imprudence of bringing it forward at the present time, and in its present shape. His right hon. friend (Mr. Peel) even—no doubt with that anxiety for the entire question for which he was so peculiarly distinguished—even he had pointed out the inexpediency of the measure, because, forsooth, it tended in its present shape, to defeat the success of the general question. He was free to confess that, when he entered the House that day, he entertained some doubts suggested by the inexpediency of the motion he was about to make. Since he had heard the speeches of the opponents of that motion, those doubts had vanished and he now with confidence felt, that its success was the certain harbinger of that larger and more comprehensive concession, which his right hon. friend, the secretary of state for the home department, no longer deprecated, but it would seem anticipated with satisfaction. [Hear, hear.] His right hon. friend had stated, that he (Mr. C) had only cited a solitary precedent, in support of the interference of the House of Commons, as to the rights and privileges of the peerage, and that the interference was an act of disfranchisement. He must appeal to the recollection of the House, as to the use he had made of that precedent. He had characterized the act of disfranchisement, as one of gross injustice—and of unjustifiable violence; and he had quoted the precedent of the 30th of Charles the 2nd, to show, that as the injustice of the disfranchisement originated with the House of Commons, that House had made the subsequent atonement. He had then drawn an exact parallel between those precedents and the state of the Catholic Peers. A House of Commons, under false pretences, in 1678, disfranchised these peers of their rights and their honours, and he now called on a House of Commons in 1822, convened under different circumstances, to make reparation for that injustice, by a restoration of those rights to their posterity. Another objection of his right hon. friend was founded on the state of the peerage of Scotland and Ireland growing out of the Union, and as contrasted with what he (Mr. C.) had argued as the absolute rights of the peerage. The anomalies which sprung from these two great arrangements were out of the march of ordinary events, and beyond the landmarks of the constitution. Because two kingdoms merged their respective legislatures in the legislature of Great Britain, and out of these extraordinary proceedings—exceptions to general principles resulted; would any man contend that the case of a British peer unjustly deprived of his franchises, was not to be considered with a view of remedying that injustice? What could be more anomalous than the situation of an Irish peer capable of being a representative of the peerage of that kingdom by delegation, and capable of surrendering his rights as a peer, by being elected a member of the House of Commons? But was that his (Mr. C.'s) fault? Was this bill to be presumed defective because it could not remove anomalies which sprung out of an extraordinary state arrangement? But there was in that arrangement, as it affected the Union of Ireland, this great clue to the consideration of the question, that the oaths imposed

upon an Irish representative peer, or an Irish peer voting for such representative, were such as were then taken, or shall be hereafter taken, by a British peer. If, then, these oaths constituted an essential and fundamental part of the constitution, how came it that the concurrent sense of two legislatures, by the very spirit and letter of the act of Union, left these securities open to the alteration of the united parliament. Would they have done so if they had put the same construction on their immortality, on which the whole of the objections of his right hon. friend rested? If they had not, contemplated the possibility of other oaths—if they had considered the tests as they stood at the period, as the immutable and eternal securities against Catholic participation—would the parliaments of Great Britain and Ireland have left such a question open to subsequent doubt, in the provisions of an arrangement which constituted their permanent incorporation? It was perfectly true, that Scotland, on her part stipulated against any Scotch Catholic sitting in the two Houses of parliament—the introduction of the word "Protestant" in her part of the articles barred all alteration. All therefore that could be done, under such a restriction, was, to leave it open to Scotland, in the progress of the liberal spirit of the age, to apply to the united legislature when she wished to remove that impediment. As England was the stronger party to that contract, the proposition should be left entirely to Scotland; and, though he felt the injustice to the individuals, he preferred the lesser evil of subjecting to disfranchisement two Scotch Catholic peers, rather than risk the imputation of violating the articles of Union. It was, however, rather extraordinary, and not in accordance with the general tone of the Irish character, that they should, in their arrangement, have so sagaciously provided for those alterations which an enlightened policy might suggest, while the more staid, and prudent, and provident character of the Scottish nation, fettered itself by positive restrictions—he felt he had little more to add. The learned gentleman had, indeed, saved him from the effort. The learned gentleman had said, he would reserve his more cogent arguments for the future stages of the measure—a mark of his sagacity, which he (Mr. C.) hailed as decisive of the success of the proposition now under discussion. Neither the learned gentleman, nor his right hon. friend, discussed that question on the grounds of its legality, its expediency, or its justice. They were adverse to it, because it was a partial measure. Now, considering it partial, only as constituting a part of the whole, he could not discover the grounds of that blame which in such a sense, attached to his proposition. He had heard a lesson on that subject read, and successfully read, by those who defeated the general measure of Catholic concession, on the very ground that from its generality they were perplexed. Give them any specific part, any fit or suitable proposition, and they were ready to discuss it. Here, then, was a part of the great question resting on its own particular merits—here was a dismemberment of the general claims relieved from the perplexity of details, that might be decided without any pledge to future extension. And yet, the very persons who so ardently sought for the separated proposition, now turned round upon the proposer, converted the separate recommendation into its demerit, and exclaimed, we want no isolated, no partial concession. "Our great capacity has stomach for it all." For his own part, he could not recognize the value of that attachment to the constitution, which only manifested itself in hostility to the speculative tenets of millions of his countrymen. He appreciated far more highly the blessings of the constitution under which he lived, than to think that it essentially consisted, not in protection, but exclusion—not in the consciousness of the blessings it imparted, but in the perpetuity of tests, which he never heard administered at that table without feeling that while they were useless as to the discharge of any legislative function, they were well calculated to give pain to millions of his fellow subjects. And yet they were told, that independently of all positive claims, exclusion was the talisman that called all the virtues of our constitution into existence; and oaths of disqualification were the securities on which its permanence depended. His right hon. friend had told him, that he had under-rated the extent of those dangers, under which these disqualifications were introduced—that he had not sufficiently calculated on the hazards, which the Protestant religion encountered in the reign of Charles 2nd. He did not under-rate those dangers. He believed that a more profligate or corrupt monarch

than Charles 2nd never sate upon the throne. He was bent upon destroying the liberties of the country, and introducing slavery. He was secretly attached to popery, while he openly professed Protestantism; and history related, that he went to a Catholic and a Protestant chapel on one and the same day, and received the communion at both. He was a bigot at the commencement of his reign, and a tyrant at its conclusion. But, all this and much more, which he was willing to concede, would make against and not for the argument of his right hon. friend. Did he not perceive that the more depraved the character of the government of that day, the less excuse there was now for the continuance of those acts of Catholic persecution which marked the history of that period? Every circumstance between that period and the present was not only dissimilar, but contrasted. He would go along with his right hon. friend in condemnation of all those acts of bigotry and oppression which disgraced the reign of that profligate monarch; but he must deny the remotest similitude between that period and the present time. What danger could we feel in restoring the descendants of six Catholic peers to the enjoyment of their family honours? We had now no fear of a Popish king, or a Popish presumptive heir to the throne. We had none of those dangers which but palliated the injustice of that disfranchisement. These were objections which met the opponents of his motion in full front, and which, notwithstanding the "fears of the brave and follies of the wise," had no ground of existence in the circumstances of these times. Either these restrictions were continued on the grounds on which they were originally imposed, or the advocates for their continuance were called upon to show the reasons why they should be perpetuated. What equivalent, in the latter case, could his right hon. friend show for a Popish king—a Popish successor—or a ministry conspiring against the religion of the state and the constitution of the country? The consideration of such fears as these might be adjourned, with the remainder of the hon. and learned gentleman's speech, to a future day. He could not conclude without anticipating that the present partial success would lead to the attainment of the greater concession; the benefit of which he sincerely trusted the country would speedily enjoy.

The House then divided: Ayes 219; Noes 244; Majority for the motion 5.

List of the Minority

A'Court, E. A.
Alexander, J.
Antrobus, G C.
Apsley, lord
Archdall, M.
Ashhurst, W H.
Astell, W.
Astley, sir J. D.
Bankes, H.
Bankes, G.
Barne, M.
Barry, rt. hon. J. M.
Bastard, E. P.
Bastard, J.
Bathurst, hon. T. S.
Belfast, earl of
Bentinck, lord F.
Beresford, lord G.
Beresford, sir J. P.
Bernard, visct.
Blackburne, J.
Blair, J.
Boughey, sir J. F.
Bouverie, hon. B.
Bradshaw, R. H.
Bridges, G.
Bright, H.
Bruce, R.
Brudenell, lord
Buchanan, J.
Butterworth, Jos.
Buxton, J. L.
Calvert, John
Cartwright, W. R.
Chandos, marq.
Chaplin, C.
Cheere, E. M.
Cherry, G.
Chetwynd, G.
Childe, W. L.
Cholmeley, sir M.
Claughton, Thomas
Clements, hon. J. M.
Clinton, sir W.
Clinton, H. Fynes
Clive, hon. R.
Clive, H.
Cole, sir G. L.
Collett, E. J.
Congreve, sir W.
Cooper, E. S.
Cooper, R. B.
Copley, sir J. S.
Corbett, P.
Cotterell, sir J. G.
Cripps, J.
Curteis, E. J.
Curzon, hon. R.
Cust, hon. W.
Cust, hon. P.
Cust, hon. E.
Cuffe, col.
Davenport, D.
Davis, R. H.
Dawkins, J.
Dawkins, H.
Dawson, G.
Deerhurst, visc.
Dickinson, W.
Divett, Thos.
Dodson, John
Domville, sir C.
Dowdeswell, J. E.
Downie, R.
Douglas, J.
Drake, W. T.
Drake, T. T.
Dugdale, T. S.
Duncombe, C.
Duncombe, W.
Egerton, W.
Ellis, T.
Ennismore, visc.
Estcourt, T. G.
Fairlie, sir W. C.
Fane, John
Fane, Vere
Farrand, R.
Fellowes, W. H.
Fetherstone, sir T.
Fleming, John
Forde, M.
Forrester, F.
Gascoyne, Isaac
Gifford, sir R.
Gipps, Geo.
Gooch, T. S.
Gordon, hon. W.
Gossett, col.
Goulburn, rt. hon. H.
Grant, A. C.
Greville, sir C.
Graves, lord
Grosett, J. R.
Handley, H.
Hart, general
Harvey, sir E.
Heber, R.
Heygate, W.
Hill, rt. hn. sir G. F.
Hill, Rowland
Hodson, J.
Holford, G. P.
Holmes, W.
Horrocks, S.
Hotham, lord
Houldsworth, T.
Howard, hon. F. G.
Hudson, H.
Innes, John
Irving, John
Jervoise, G. P.
Keck, G. A. L.
King, sir J. D.
Kinnersley, W. S.
Knatchbull, sir E.

Langston, J. H.
Lascelles, hon. W. S.
Legh, Thos.
Leigh, Francis
Leigh, J. H.
Leslie, C. P.
Legge, hon. H.
Lethbridge, sir T.
Lewis, Wyndham
Lindsay, lord
Lindsay, hon. H.
Long, right hon. sir C.
Lopez, sir M.
Lowther, visc.
Lowther, hon. H.
Lowther, John
Lowther, J. H.
Lucy, G.
Lushington, S. R.
Luttrell, J. F.
Lygon, hon. H.
Maberly, John
Magennis, R.
Manners, lord C.
Manners, lord R.
Macnaghten, E. A.
Mansfield, John
Martin, sir T. B.
Maxwell, J. W.
Miles, P. J.
Mitchell, John
Monteith, H.
Morgan, sir C.
Morgan, G. G.
Mount Charles, earl
Mundy, G.
Musgrave, sir P.
Newman, R.
Nicholl, R. H. sir J.
Nightingall, sir M.
Northey, W.
Ommanney, sir F.
O'Neill, hn. J. R. B.
Onslow, Arthur
Osborne, sir John
Owen, sir John
Palk, sir L.
Paxton, W. G.
Pearse, John
Pechell, sir T.
Peel, right hon. R.
Peel, W. G.
Pellew, hon. P. B.
Pennant, G. H. D.
Percy, hon. W.
Pitt, W. M.
Pitt, Jos.
Pole, sir Peter
Pollen, sir John
Pollington, visct.
Powell, W. E.
Raine, Jonathan
Rice, hon. G.
Rickford, W.
Robarts, A. W.
Robertson, Alex.
Rogers, Edward
Rowley, sir J.
Russell, J. W.
Ryder, rt. hon. Rd.
St. Paul, sir H.
Scott, Samuel
Scott, hon. W. H. J.
Shelley, sir J.
Shiffner, sir G.
Smith, T. A.
Smith, Ch.
Smith, Abel
Sneyd, N.
Somerset, lord E.
Somerset, lord G.
Sotheron, F.
Stanhope, hon. J. H.
Stewart, sir J.
Stewart, W.
Stopford, lord
Strathaven, lord
Strutt, J. H.
Stuart, W.
Sumner, G. H.
Suttie, sir James
Taylor, G. W.
Taylor, sir H.
Thynne, lord
Thompson, W.
Townshend, lord J.
Townshend, hon. H.
Tremayne, J. H.
Trench, F. W.
Tulk, C. A.
Vansittart, rt. hon. N.
Vaughan, sir R.
Ure, M.
Walker, J.
Wallace, rt. hon. T.
Walpole, lord
Wells, John
Wemyss, J.
Westenra, hon. H.
Wetherell, C.
Whitmore, Thos.
Wildman, J. B.
Wigram, Wm.
Wilbraham, E. B.
Williams, Rt.
Willoughby, H.
Wilson, sir H. W.
Wilson, Tho.
Wilson, W. W. C.
Wodehouse, hon. J.
Worcester, Marquis

PAIRED-OFF.

Ancram, lord
Beauchamp, visc.
Burrell, sir C.
Campbell, A.
Cawthorne, J. F.
Cole, sir C.
Crawley, S.
Curtis, sir W.
Dalrymple, A.
Hope, sir W. J.
Jenkinson, hon. C. C.
Jocelyn, hon. J.
Lennox, lord G.
Mundy, E. M.
Price, Rich.
Rochfort, G. H.
Seymour, Horace
Skeffington, hon. T.
Swann, H.
Smith, Samuel
Vivian, sir H.
Ward, R.
Yarmouth, earl

HOUSE OF COMMONS.

Wednesday, May 1.

Reform of Parliament.] Mr. *James* presented a petition from Carlisle, praying for a speedy Reform of Parliament. He attributed the present distress to excessive taxation. The hon. member for Portarlington had said, that the variation in the currency, occasioned by the cash payments bill, did not exceed 10 per cent. He differed from him. That hon. member had differed from himself at various times. He had at one time said, that the difference between the value of gold and paper did not exceed three per cent, then 3½, then 4, and so on till he now stated it at 10; but whoever took the trouble of reading Mr. Cobbett's little pamphlets on the subject (and they were to be had at a cheap rate), would be convinced that the hon. member knew nothing at all about the matter [much laughter]. The hon. member had also said, that the prices depended on the supply and demand; but if he had read Cobbett, he would have found that the prices also depended upon the quantity of the circulating medium in the market; and that when the circulation was much limited, the result would be to double the weight of taxation.

Ordered to lie on the table.

Naval and Military Pensions.] The House having resolved itself into a Committee on the Naval and Military Pensions,

The *Chancellor of the Exchequer* proceeded to call the attention of the committee, not to the general plan which his noble friend had laid before the House a few night ago, but to that detached part of it which related to the commutation of the expenses of the country in the items of half-pay, fixed annuities, or civil allowances. By adopting the plan of his noble friend there would be a saving to the country of between 2,000,000*l.* and 3,000,000*l.* a year. The public were naturally anxious to learn the means by which this saving was to be made. His noble friend had, however, so fully detailed the principles of his plan, that it only

remained for him to fill up the details. And, in alluding to these details, it was obvious that much must be left to those who had the carrying the contract into execution, and much also to the wisdom of that House. In the present stage of the proceedings, all he asked was, that the committee should approve of the general principle upon which the measure was founded. It might be asked, "Why does not the chancellor of the Exchequer, acting upon his own responsibility, make any bargain by which he conceives the public will be benefited, and afterwards apply to parliament for their approval?" To this he answered, that this was a measure of so novel a nature, so much out of the track of his official duty, that he did not feel himself justified in adopting it without the sanction of parliament. This plan was not at all mixed up with the question of the currency; nor was it in any respect mixed up with the question of the charter of the Bank of England. As to the currency of small country notes, he hoped shortly to name a day for bringing that part of the measure before them. The single question for the committee that evening was, to consider how far the sums paid annually in half-pay allowances, pensions for civil services, &c. were to be looked upon in the nature of a public debt: and whether the public would not derive benefit from a commutation of the present fixed charge. The soldier or civil servant holding half-pay or pension, or other such allowance, might be looked upon as having as complete a right to that allowance (subject of course to the condition of being called into active service, or to the power of the Crown to remove him) as the public creditor had to the interest which he derived from money advanced to government. This principle was so clear that when at the close of the late war he proposed a more liberal provision for those retiring from service, he had called it the payment of a public debt of gratitude and justice. In proposing this plan, he did not mean to make the slightest alteration in the situation of the persons receiving half-pay, pensions, or other allowances. They were to continue, as they now are, at full liberty to exchange half for full, or full for half-pay—to sell out, or to alter their situations, with the same freedom that they had hitherto enjoyed. It might be proper just to state the classes of pensioners to which it was designed that this commutation should extend. It would comprehend, as far as possible, all naval and military allowances, and all compensations arising from civil superannuation; reserving such of the latter as might in future be granted, to be charged upon the fund for that purpose about to be created. Those pensions and allowances to be excluded were, first, such as were paid out of the consolidated fund, amounting to between 400,000*l*, and 500,000*l*. a year. It had been considered that the payments to the royal family and to illustrious persons, as matters of justice and bounty for high and meritorious services, did not come within the object of this arrangement. However, this would of course be a matter open to discussion. It was also proposed to exclude all pensions upon the civil list, and upon the 4½ per cent duties because they were charged on limited funds belonging to the Crown. The saving, if any, would place at the disposal of the Crown a larger sum than at present, for the display of its bounty; or if there was a loss, it would limit and restrain its liberality. The amount of the whole of the pensions and allowances included, would be about 5,000,000*l*. It had been found more convenient to take round numbers, than to attempt any exactness with regard to matters in themselves of a fluctuating nature; the death of some parties, and the accession of others, produced changes almost from day to day. The table of calculation which he had got made, though not perhaps minutely correct would be found tolerably accurate. The table was made out from the returns of the ages of 15,000 persons; about one-fourth of the actual number of the annuitants intended to be provided for, the whole amount being about 60,000, and was founded upon the natural decrement of human life. It was clear that the annuities of these persons composed a part of the debt of the country, subject, of course, to a gradual decrease year after year; but that charge, so heavy at present as five millions, would not, for a considerable time, be lessened to any considerable degree, and would not till a very remote period, finally cease to exist. It was probable that some of the persons who composed the number of annuitants to be provided for would exist for 60 or even for 70 years to come, though those cases would necessarily be very rare. In the course of 45 years, the amount of the annuities which at present stood at five millions, would be diminished in all probability to little more than 300,000*l*. If it

should be asked why, instead of granting annuities for a determinate period of years, the government might not agree to pay to the contractors annuities for a stated number of years, he would answer, that such a plan would be full of difficulties; that contingencies might arise which would defeat it—that it might be attended with an expence almost ruinous to the contractor, unless the government acceded to terms which parliament would not be justified in sanctioning. As the case stood, the only uncertainty in the case was, the fluctuation in the value of money, which from time to time might take place; thus was it, stript of most of the elements of risk. The calculations were, indeed, much more difficult than on the ordinary case of a loan; but the extended period of 45 years gave the contractors the means of providing against contingencies. They might avail themselves of a rise in the funds, or of a fall in the value of money, and by temporary loans, remedy temporary inconveniences.—The proposition he had to submit to the House was, to offer a fixed annuity for a period of 45 years, to such persons as should contract to pay the annuities on the half-pay and superannuations, with which the country was at present subject. He mentioned the period of 45 years because, on the principle of the Sinking-fund, a sum of one per cent was held to liquidate capital. There was another reason for fixing on the term of 45 years. In 38 years time, the long annuities would fall in. Whatever relief that circumstance might afford the public, when it should take place, it would undoubtedly subject the parties more immediately concerned to loss and inconvenience; and if to that were added the withdrawing of annuities to the amount of two millions or two millions and a half, the inconvenience would be considerably augmented. It was therefore proposed to extend the period to seven years beyond the falling in of the long annuities, during which time the inconvenience he had just touched on would cease. He was aware that parties disposed to contract might prefer an indefinite annuity, dependent upon lives, to one which was terminated at a fixed period; but, whether it were of one kind or of another, the transaction would stand completely clear of the sinking fund. The principle on which ministers went, was a commutation of debt now existing. If, instead of being a debt, it had been an annuity terminating at an earlier period than 45 years, where would have been the objection to the plan now under consideration? If an annuity for 12 or 15 years had been commuted for an annuity for 45, what objection could have been made on the part of the public creditor? If it had been actually unfunded debt, payable from year to year, and provided for by the funding of Exchequer bills, what ground of resistance could have been offered? Another reason justifying the principle of commutation, was the novel nature of the charge proposed to be provided for, which had arisen out of extraordinary circumstances—the extended duration and the enormous expense of the late war. The resolutions stated, that the half-pay and other annuities, previous to 1792, amounted to only 650,000*l.* The sum was now increased to 5,000,000*l.*, partly in the mode stated, and partly owing to new regulations, by which the allowances were made so much more liberal than formerly, and extended to cases not before provided for. The committee would feel the impropriety of his entering into such minute calculations, as could lead even to a remote knowledge of the terms on which government might be disposed to contract. Every thing necessary would be explained to the parties, when there was a probability that a bargain would be made; but the secret of government must be kept, until the transaction was in a shape to be submitted to parliament for its final approbation.—The right hon. gentleman then moved:—"1. That the amount of Military and Naval Pensions, and Civil Superannuations may be estimated at about 5,000,000*l.*—2. That this sum, calculated as an annuity guaranteed by parliament, may be considered as a burthen, forming a charge upon the public income of the country, for the lives of the annuitants, subject to such regulations as are applicable in each case.—3. That the amount of this charge has been increased, principally by the long duration and extended exertions of the late war, from the sum of about 650,000*l.* to the said sum of 5,000,000*l.* and by regulations introduced during the war.—4. That, under this great accumulation of annual charge, and in the present state of the country, it is expedient to make provision for apportioning this burthen so as to insure its final extinction, either by an equal annual annuity, terminable within 45 years, or by permanent annuities, with such provision for the repayment thereof as is required

by the act 32nd Geo. 3rd, c. 55. for the reduction of the National Debt.—5. That the Commissioners of his Majesty's Treasury should treat and contract (subject to the approbation of parliament) with such bodies politic and corporate, or other persons, as may be willing to undertake to provide for the charge of the above-mentioned pensions and allowances, or any part thereof, in either of the above modes; and who shall give adequate security for the performance of such undertaking."

The first resolution being put,

Colonel *Davies* thought, that the project was a covert attack upon the sinking fund: it was relieving ourselves at the expense of posterity. He thought that the public would be exposed to considerable loss, calculating upon a payment annually of 2,800,000*l.* For the first sixteen years of the 45, the contractors would pay 63,000,000*l.*, and the public only 42,000,000*l.*, which would be a gain to the latter of 21,000,000*l.* But, for the remaining period, the contractor would pay 39,000,000*l.*, and the public 84,000,000*l.* So that the latter would be losers to the extent of 45,000,000*l.*, and the loss upon the whole would be 24,000,000*l.* Against this, it was true, should be set off the interest of the sum saved during the first period.

Mr. *Bright* contended, that the whole scheme was a delusion, designed to direct the eye of the public from what ought to be the great object of parliament—a reduction of taxation. The salt-tax and the duty on leather might hereby be removed; but the country would eventually pay dear for it. Was it to be supposed, that a contractor who would receive no benefit until the expiration of 16 years, and whose term would not expire for nearly half a century, would be satisfied with any thing less than a very extravagant interest? This plan affected the whole system of superannuations. Many most illegal allowances had been made; and if this project were carried, these allowances could never be revised.

Sir *J. Newport* insisted, that the principle of the scheme was directly in contravention of the sinking fund. If the sinking fund was to be abandoned, would it not be more rational to allow the commissioners for the redemption of the national debt to become the contractors? Thus, the double machinery now contemplated would be avoided, as well as the large bonus which the contractor must expect to be paid. He agreed with the hon. member for Bristol, that the attention of the public should not be withdrawn from the reduction of taxation, and thought this measure would be prejudicial in that point of view.

Mr. *Beaumont* said, it had been observed that this proposition would divert the attention of the public from the necessity of reducing the weight of taxation. If it were likely to have such an effect, he would so far be hostile to the measure; but he thought it would not be a probable consequence of the proposition. He entirely agreed with those who were of opinion that the taxes should be diminished; and, for that very reason, he looked upon this measure as desirable, because, to a certain extent, it would relieve the public burthens. He admitted that the proposition was not consistent with what the chancellor of the exchequer had so often said relative to the sinking fund: but he did not find fault with that inconsistency since it enabled parliament to relieve those who had already made great exertions, and left posterity to bear some portion of the burthen. If his project even went to remove the whole of the sinking fund, he would not object to it.

Mr. *J. Martin* said, that if this proposition had been made by any of those who were hostile to the sinking fund, it would not have surprised him; but that those who expressed so much partiality to the sinking fund system should propose a motion like the present was indeed extraordinary. If the principle were admitted, why might they not convert the long annuities of 38 years into much longer annuities? Why might they not, in the same manner, convert the tontine and other annuities into long annuities also? Now, it was remarkable, that at the present day, government were granting life annuities. The fact was, that ministers adopted this new plan, because they were determined not to reduce the expenditure. They had made up their minds to continue the employment of useless postmasters-general and expensive clerks. He thought it was absolutely necessary for the credit of the country that a sinking fund should exist beyond the expenditure; and as this measure militated against the principle of that fund, he would give it every opposition in his power.

Mr. *Hudson Gurney* said, the charge for half-pay and pensions was that of a debt of five millions a-year, which debt

had in its nature its own effectual sinking fund, in the dropping off of the parties lives. Instead of paying these annuities, ministers were about to contract with others to pay them for us—to be reimbursed at a very distant period, under circumstances of great hazard. And this no one could be found to undertake, without a most wasteful remuneration. He had voted for the motion to keep up a sinking fund of five millions; that is, an honest and real sinking fund, from excess of income beyond expenditure, which, yielding to what the noble lord had justly called "an ignorant impatience of taxation," ministers were now about to destroy, whilst they were going to accumulate a nominal and fallacious sinking fund, by their plan of suffering it to increase at compound interest — the end of which would be, that the minister of the day would seize it, after the example of the chancellor of the exchequer in 1813 [Hear, hear!]. If it were really necessary to reduce taxes to the amount of two millions, it would be much better, and far cheaper, to take them from the sinking fund at once, in a plain and direct manner [Hear, hear!].

Mr. *T. Wilson* would support the proposed plan, because all the benefit would accrue from it which had been predicted from the infringement of the sinking fund, without the evils arising from such a course. It had been said, that if they did not change their measures willingly, they would be forced to do so by the taxes becoming unproductive. It was for this reason that he wished to preserve the sinking fund, which might be useful in supplying deficiencies in case of such an event occurring. This plan, too, offered that relief for the agricultural distress which gentlemen had been calling for.

Mr. *Ricardo* was astonished how ministers could come down with grave faces, and propose such a measure, after all the anxiety they had expressed on the subject of the sinking fund. This plan was nothing more nor less than an invasion of that fund. The chancellor of the exchequer had said, that these annuities were a part of the debt of the country. This he (Mr. R.) admitted. But, supposing the object of ministers was, to relieve the country from taxation to the amount of 2,200,000*l.*, and they took that sum from the sinking fund, he would ask them to compare the situation in which the country would be placed at the end of 45 years, with that in which it would stand at the expiration of the same period by adopting the plan now proposed. In both cases the object would be to raise 2,200,000*l.* per annum; but, at the end of 45 years, acting on the plan now introduced, would not the country be more in debt, than it would be if the sum were taken immediately out of the sinking fund? Now, if this proposition were true—and it could not be controverted—was it not, he demanded, an invasion of the sinking fund? He, however, had no objection to it on that account: but it was the greatest inconsistency in the right hon. gentleman to say that the sinking fund was to be held sacred, while he came to the House with a proposition that would leave the country more in debt 45 years hence than if 2,200,000*l.* were taken from it at once. He agreed with his hon. friend (Mr. Gurney), that the debt which was the object of this proposition carried a sinking fund along with it. Year by year, as lives dropped off, it was decreasing; and what was the object of the sinking fund but to place all public debt in the situation of this particular debt? Thus, if 30,000,000*l.* were owing in one year, to reduce it to 29,500,000*l.* in the next; then to 29,000,000*l.*, then to 28,500,000*l.*; and so on progressively, until at last the whole was liquidated. A less beneficial effect would be produced by prolonging the debt beyond the term to which it would extend, but for this plan, which he could not help considering an entire fallacy.

Mr. *Huskisson* did not mean to controvert the indisputable proposition of his hon. friend, that a debt of 5,000,000*l.* depending on lives, carried its own sinking fund with it; but he must deny that the proposed measure was any invasion of the act of 1792, which was the foundation of all the provisions on which the sinking fund now stood. The proposition of his right hon. friend carried with it the liquidation of debt as much as the operation of the sinking fund did; because it proceeded on the principle of an annuity terminable at the expiration of a number of years, instead of depending on lives. The act of 1792 contemplated two modes of extinguishing debt. One of these was the appropriating one per cent on the principal stock created, that one per cent being still placed under the control of parliament. But, was not the present plan of liquidating the debt preferable?

Here an annuity was granted for a certain term of years—it required no sinking fund charge—the annuity was derived from parliament, and it could not be converted to any other purpose. Surely hon. gentlemen could not argue gravely that his right hon. friend, having a charge of 5,000,000*l.* to provide for, and procuring persons to contract for the payment of that charge, which would decrease in a gradual proportion, was thereby invading the sinking fund. Of course, the contractor would expect profit hereafter. To the extent of such profit, a certain burthen would be thrown on posterity, instead of the present generation bearing it all, by letting the annuities expire with the lives of the parties. But, the circumstances in which the country had been placed, the effect of which had been to increase a charge of 2,000,000*l.* to 5,000,000*l.*, which charge now bore on the present time, left parliament at liberty, quite consistently with the provision of the sinking fund act, to raise a loan for the payment of that charge; taking care that, in raising such loan, it carried within itself the means of liquidation in 45 years. Supposing the country was 5,000,000*l.* in debt, on short annuities, at 5, 8, 12, and 16 years, and it was thought advisable to convert all these into annuities for 45 years, in what measure or degree would this affect the sinking fund? It would certainly throw a portion of the burthen on others, with reference to the period to which the annuities were carried beyond that originally proposed; but parliament was at liberty to adopt such a measure, because it was a question of expediency. It depended altogether upon this—whether, under the present circumstances of the country, after having, during a war of 25 years, taken upon themselves to raise about 230,000,000*l.* of war taxes, specially for the benefit of posterity, they were not justified in throwing on that posterity, the small burthen which was now made a matter of reproach? To show how beneficial it was, in producing a diminution of burthens, he need only refer, in opposition to those who disapproved of the sinking fund system, to the recent reduction of the 5 per cents. If the sinking fund had been destroyed some years ago, would there have been the smallest prospect of reducing the interest of that stock? An hon. member had observed, that government were granting life annuities at the moment that they were converting the half-pay, &c., into annuities for years. But this did not affect the present plan. Parliament might convert those life annuities (which were now chargeable on the sinking fund for the year) into annuities for years. The hon. member for Bristol had stated, that the whole of the superannuations, many of which were on too liberal a scale, and others illegally granted, would, by this measure, be placed beyond the control of parliament. Now, his right hon. friend began by distinctly stating, that parliament would continue to enjoy the same power of regulation and revision, which it at present possessed. The bargain was one by which the contractors might gain, or by which they might make no benefit whatever; in either of which cases the public must be the gainer, and yet the hon. member for Portarlington contended that the country must, of necessity, be more in debt, at the expiration of 45 years, than it would be if a sum were taken from the sinking fund annually. Another objection made by the hon. member for Bristol was, that those who entered into this contract would not expose themselves for 16 years to a very great risk, unless they were certain of some extensive advantages. The hon. member did not, however, seem to understand the working of this plan. When these long annuities for 45 years were granted, they would be saleable in the market, like any other stock of the day. The contractors would, therefore, be enabled, when the stipulated annual payment came round, to sell so much of that stock as would be necessary for the fulfilment of their bargain. Thus, the required sum would be made up, without the contractor being called on to furnish it all. He confidently trusted in the experience of his right hon. friend, to watch the speculations of the contractors; and that if he could not make a favourable bargain he would devise other means of providing for an arrangement by which a relief similar to that now sought to be obtained would be given to the public.

Mr. *Hume* said, that the noble marquis had promised a plan by which the public was to be relieved from a part of the dead weight for naval and military pensions. Now, the resolution before the committee applied no more to that dead weight of naval and military pensions than to any of the other charges with which the nation was loaded. The boasted plan which

ministers held up as some new system of finance, was neither more nor less than means of raising a loan by deferred annuities. Now this plan of making a new loan for relieving the present distress, and adding to the public debt by burthening posterity, was resorted to by the very ministers who lately spoke so loudly about preserving inviolate a sinking fund of five millions, that we might reduce the charge upon posterity. Our first object was to pay off our debt to relieve posterity; and for that we had provided a sinking fund. Our second was, to relieve ourselves from our burthens by increasing the burthen on posterity, and that would be accomplished by a remission of taxes. The plan proposed in the resolutions was intended to effect some immediate relief in direct opposition to the system on which we acted of keeping on taxes for a sinking fund to relieve posterity. Now it had been said, and justly, that we were to look at the expediency of the proposed measure, and that expediency would decide the question, whether or not it was profitable. He (Mr. H.) would ask how was the country to be relieved in the most certain manner? Only by that system which was attended by the smallest expense. Let the scheme of the right hon. gentleman be examined by that test. We were said to have a sinking fund of 5,000,000*l.* a year, and we had a charge of 5,000,000*l.* for military and naval pensions, which, according to this plan, was to be extinguished by the death of the persons receiving the pensions in 45 years, by contracting with certain persons to pay the first year 4,900,000*l.*, in the second 2,700,000*l.*, and gradually reducing the amount until the 45 years, when the sum payable would only be 300,000*l.*, whilst for these payments to the public, the contractors would receive from the public without variation the sum of 2,800,000*l.* annually during that period. Now he asked, would the country be in a worse situation at the end of the 45 years, by appropriating the sinking fund to the amount required; or, in other words, by borrowing from it to the same amount, than if it entered into a new agreement with certain contractors in the terms of the proposed resolution? It would be better, if, contrary to experience of the loss arising from these complicated money transactions, a loan was to be made, to make it with the commissioners of the sinking fund, than to go into the money market with this new stock. It was a well known fact, that better conditions were obtained for the public by funding in the old accustomed descriptions of stocks, than in one of a new denomination. This was felt on the creation of the 3½ per cents, which had never been a favourite with the public. How, then, could the right hon. gentleman reconcile it to the public interest to create this new loan? He must lay his account in the impossibility of finding contractors, without offering larger profit than would have been required by a plan more generally appreciated. If there was to be any profit arising from the scheme, that profit ought to go into the pockets of the public. If the sinking fund was still to be maintained, why not allow the commissioners to become contractors for it at once; by which all the profits, if there were any, would accrue to the nation, and the money in the hands of the commissioners would be employed at the same rate of interest as the public paid for it? When it was suggested by his hon. friend (Mr. Grenfell) to borrow from the sinking fund to its full amount for the services of the year, the plan had been at first objected to, and for some time only partially adopted. Had his hon. friend's suggestion been acted on at first, and the commissioners of the sinking fund become contractors for the whole instead of a part of the then loans, a great saving would have been affected. It appeared from tables which he (Mr. H.) had drawn up, that in the course of the four last years there had been a surplus of revenue over expenditure of little more than 5 millions: and during that period we had borrowed, or added to our funded debt, 78,000,000*l.*; and he could show that about 4,000,000*l.* would have been saved by employing the sinking fund, instead of borrowing. He requested the House to bear in recollection what the noble marquis had said some time ago, on the necessity of keeping up a sinking fund of 5,000,000*l.* for the purpose of lessening the debt to our posterity, and on the sacredness of that fund. Yet now he came down and said, "We must relieve ourselves; posterity must bear a part of the burthen; we will, therefore, throw off from ourselves the half of the charge for military and naval pensions, and spread the burthen over 45 years." Now he (Mr. H.) was far from objecting to this: he was glad to see that the noble

lord proposed now to do, what he formerly accused the opposition side of the House of attempting to destroy public credit for recommending. He was glad to hear him now speak of immediate relief, and only desired that it should be obtained as economically as possible. This economy would be best consulted by making the commissioners for the redemption of the national debt contractors, in the same way as they had been for former loans. Nothing could be gained, and much would certainly be lost, by a new loan and new contractors. He had moved for papers by which he should be enabled to prove, that the country would have been many millions less in debt, had no sinking fund ever been created, and had the finance minister, instead of adding the amount of the sinking fund to the loan of each particular year, only borrowed so much less. This difference between our actual debt and what would have been our debt without this delusive fund, he was prepared to show amounted to 38,000,000*l.* of 3 per cent capital. Nothing could have been more inconsistent and contradictory than the plans and declarations of ministers for the last two months. There was one plan for paying off the national debt, and another contained in the present resolutions for adding to the national debt. By the former, we were to burthen ourselves to relieve posterity; by the latter, we were to relieve ourselves at the expense of posterity. If the House, however, should unfortunately sanction the proposed measure, he hoped the contract would be made by open competition, that it would not be given to any private body of men, or to any individual, that no favour would be shown to any company, and that the whole transaction would be as public and impartial as the general interest required. The noble lord was mistaken in supposing that the sum supplied by the contractors would be of the same nature as annuities. The income of the annuitants on the dead weight depended on the annual vote of parliament, and his majesty might strike off any of them from the list; whereas no 10*l.* annuitant in the public funds could be so dealt with. The resolutions, in fact, had nothing more to do with the military and naval half-pay, than with any other charge voted annually. The whole appeared to him a mere delusion.

The Marquis of *Londonderry* could not refrain from expressing his surprise at the host of champions who had suddenly risen on the other side of the House to defend that sinking fund, which on former occasions, they had been ready to immolate on the altar of public expediency. If ever there was a proposition more clear than another, it was, that the present transaction would not operate as the slightest infraction of the sinking fund. All that was proposed was, to suffer the sinking fund of five millions to go on at compound instead of simple interest. In the general expenditure of the country there was a specific charge amounting to five millions. This charge was not strictly speaking a debt, but it was a charge covered with revenue, and arising out of the faith plighted to individuals to continue an advantage, in contemplation of which they entered the service. The present measure did not trench upon the noble principle of relieving posterity to the utmost possible extent: a principle which, God knew, no country had ever pushed farther than our own: it did not touch the question of the sinking fund, but it divided the advantage arising from the clear surplus of revenue over expenditure between the present generation and posterity. The hon. member for Aberdeen had said, that this question had nothing to do with the dead expenses of the country: but he contended, that it had a great deal to do with them; for if this were a charge of an ordinary and recurring character, and not a charge *sui generis*, he admitted it would be a very dubious policy to meet it by such an expedient as the present. It had been said that lives had nothing to do with this question; but, unless they went into the consideration of lives, it would be impossible to know what sum it would be convenient to have in each year; and having resolved that problem, not with philosophical, but practical accuracy, to make their contract upon a corresponding scale. After all the sacrifices which we had made for the sake of posterity, and at the very moment of tying up five millions at compound interest, it was surely not necessary to throw the whole dead weight upon the present generation. He was surprised to hear the arguments which had been urged on the other side of the House, coming, as they did, from gentlemen who were at other times ready to pull down the whole fabric of public credit. The hon. member offered his assist-

ance, if the measure was conducted upon his views. He (lord L.) would not accept of the alliance, whether holy or unholy. They were going on very well without the connexion; and he flattered himself they would carry the country and the sinking fund triumphantly through the difficulties with which they appeared to be surrounded.

Mr. *Grenfell* did not disapprove of the plan, nor did he think it interfered with the sinking fund. The whole question was, whether or not we should contract with persons to pay 5,000,000*l.* in the first year of the contract, and about 300,000*l.* in the 45th year of it, on terms which would relieve us from a great portion of the whole charge during the earlier part of the contract, and throw it upon the latter. He agreed to the principle of the measure, and would remain silent until he heard the terms. He hoped the contract would be by open and public competition.

Lord *Ebrington* considered the present plan to make against the principle of the sinking fund, as it went to relieve ourselves by throwing part of the present burthens on posterity. If acted upon, he thought it would be better to contract with the commissioners of the sinking fund. He wished to see the country relieved immediately from its present weight of taxation by means of that fund. If he could not get all that he wished for, that was no reason why he should not take all he could get. He therefore felt bound to support the present measure. He was convinced that in the next session of parliament more taxes must be taken off, and he thought much had been gained on the present occasion by the admission of the principle, that we were justified in dividing the burthens so severely felt with posterity. In another session he hoped the sinking fund would be dealt with more largely; indeed, he trusted that it would be wholly given up to the public.

Mr. *Maberly* contended, that this country had in reality had no sinking fund at any time. The course pursued by government was a perfect delusion. They first took five millions for a sinking fund, and now they came down with a proposition which amounted to a new loan. Was it not a plainer and better course, to take the sum directly out of the sinking fund, and by that means avoid the large expense, which they must incur by the present measure? The present plan struck directly at the principle of the sinking fund. The only effectual means of affording relief to the country was by reducing the expenditure.

Mr. *W. Williams* was favourable to the maintenance of a real sinking fund, operating a reduction of the public debt. We had, in fact, never possessed one. The fund that went by that name had increased instead of diminished the debt, and all our plans of finance had led to a similar result. It was vain to say that the resolutions would lead to a diminution of the public debt. At the end of 45 years the public debt would be less diminished than if they had taken the sum directly out of the sinking fund. Reduction of taxation was the only effectual relief that could be afforded.

Mr. *Benett*, of Wilts, expressed his satisfaction at the admissions implied in the proposed scheme, that the sinking fund was a delusion. He would support the present measure, as he had always been for applying the sinking fund to the relief of taxation.

Mr. *Monck* thought the present scheme was directly opposed to the principle of the sinking fund. He, however, would support the measure as a wise measure, because it went to effect a reduction of taxation. He, however, thought it might be more advantageous to purchase the annuities enjoyed by young military officers. This might prove beneficial to those individuals, as well as advantageous to the country.

Mr. *Brougham* said, that nothing had tended to alter the impression which he had formed on the first assumption of the plan. Ministers had not even attempted to disguise that this plan was in direct contradiction to the sinking fund. Every pound which it affected to save was so much taken from that fund. The noble lord had got hold of the sinking fund in one quarter, and in another the chancellor of the exchequer was to pay it away. Thus, the sum came from the same purse: the public always paid the piper: it was the same operation under different names. The present scheme was a commutation of an annuity on lives, into a fixed annuity for the period of 45 years. Government were to pay 2,800,000*l.* annually for an annuity which now was 5,000,000*l.*, which would, according to the calculation, be two millions about 20 years hence, and which, at the end of 45 years, would be reduced nearly to nothing? Let gen-

tlemen contrast this with the sinking fund, and they would find that we were burthening posterity on the one hand, and relieving them on the other; and all this for no apparent purpose, save that of paying the expenses of management in both cases. This was the way to mystify, and to wrap up the import of a matter in the abstrusions of arithmetic; but it was not the way to relieve the country.

After some further conversation, the resolutions were agreed to.

HOUSE OF COMMONS.

Thursday, May 2.

Alterations of the Currency.] Mr. *Denison* presented a petition from a Mr. C. A. Thompson. The petitioner stated, that he had, in 1811, laid out in purchases of land 150,000*l.*; that in consequence of the subsequent distresses, he had been obliged to raise on these estates 60,000*l.* by mortgage; that the mortgagee had since foreclosed, and the estates had been offered for sale at one half of the original purchase money; that he attributed all his distresses to the alteration in the value of the currency, and therefore, prayed the House for a revision of Mr. Peel's act, or the appointment of commissioners for the purposes of establishing that relation which existed between debtor and creditor, which that act so violently disturbed. The hon. member was himself of opinion, that the case of the petitioner was the case of many persons in this country, and that unless relief was afforded, the tenant would be reduced to the condition of a serf, while the landlord would only be a trustee for the benefit of taxation and pauperism.

Mr. Serjeant *Onslow* observed, that these speculations, by which individuals suffered, were entered into during the suspension of cash payments, but with the knowledge that those restrictions would be at a future period removed.

Mr. *Western* said, it was true, that at that period the currency was in a very unnatural state; and yet it was in that very year that the House recorded the resolution, that a one pound note, and a shilling were equal in value to a guinea. The case of the petitioner was the case of thousands who were now the victims of that fraudulent vote.

Mr. *Brougham* said, that the House of Commons, which in May, 1811, recorded that memorable resolution, within two short months passed an act to punish with fine and imprisonment, any person who should offer for that one pound note, less than those 20 shillings, which they had declared to be its value in the public estimation. These were the acts of the House of Commons before the last, not the present House of Commons; for, God forbid, he should put himself in the jeopardy of its vengeance by stating what he thought of it! For who but a House of Commons could have had the effrontery of thus contradicting the intimate knowledge that every man in the country had, as to the current market price of the bit of rag, which was then estimated at fourteen shillings? Clothed in the white sheet of an act of parliament, in order to do penance for their effrontery, they were, two months after, obliged to pass the penal statute of fine and imprisonment! If there was in the history of human proceedings, conduct more peculiarly fitted to stultify its authors—let any man convince him of that, and he should feel himself bound to respect the House of Commons of 1811.

Mr. *Monck* said, that all these distresses were the frightful results of tampering with the circulation; at one time, by artificial means increasing its quantity; and, then, without notice, contracting its issues.

Ordered to lie on the table.

Postmaster General.] Lord *Normanby* said, that he rose on the present occasion with less reluctance than formerly, having so fully experienced the indulgence of the House, to the dry detail into which he had felt it his duty to enter. If the question rested now on the same grounds as when he last addressed the House, he should not trespass upon their patience further than by making his motion. But, if he had now a stronger claim than before to the attention of the House, it was the conduct of those who opposed the motion, and not of those who supported the motion, on which he rested it. It was their arguments, not his, on which he rested his claim. It was their arguments, not his, which had rendered the question important. It was their arguments, not his, which had made the matter a subject of conversation from one end of the kingdom to the other. It was their arguments, not his, which, at every public meeting that had since taken place

to consider of the public distress, and to censure the conduct of the representatives of the people, had called forth the most severe animadversion. He had to thank them both for what they had said, and what they had omitted to say. He had to thank them for that novel and most extraordinary doctrine, that useless places were indispensable to keep up the just influence of the Crown. That declaration had had a more startling effect upon the country, than had been produced even by those numerous motions of an hon. friend of his, which, unlike the spectral phantoms of Banquo and his offspring, did not "shew the eye," however they might "grieve the heart," of an alarmed secretary of the Treasury, who, doubtless, imagined that "the line would stretch to the crack of doom." He had thought it necessary to premise thus much to account for his again bringing the subject under the consideration of the House so soon. With regard to the arguments which had been used on the former occasion, the manner in which they had been urged shewed that they were not considered to possess much weight by those who used them. Looking at the act of Anne as that by which the office of postmaster-general was established, he denied that its antiquity was such as justly to screen it from abrogation. Many offices, much more venerable by age, had not been spared on that account. The increase of business in the post-office was another argument which had been urged in favour of the double office. Now, that might be a good argument for the increase of Mr. Freeling's salary, or of the number of clerks employed; but how it could bear upon two noble lords, who never partook of those additional duties, he was at a loss to conceive. It could not be denied, that if by any occurrence those two noble lords should be provoked into a superintendance of the business of the post-office, nothing could be more baneful to the public service, than the alternate vicissitude of interference which would necessarily take place, in an office requiring singleness of purpose—and uniformity of practice. He confessed he felt some surprise at the tone assumed, on the late discussion upon this subject, by the noble marquis opposite, who talked of the rash innovation, and the signal revolution which would be effected by his motion. He was the more surprised at these remarks, because it turned out that the noble marquis himself was the rash innovator, and the signal revolutionist; he having sent lord Clancarty abroad for above two years, during the period at which that noble lord held the office of joint postmaster general. He would not however, retort the charge upon the noble marquis. On the contrary, he entirely acquitted him; believing as he did that the noble marquis did not exactly know what he was doing; as it appeared that, until the night on which he (lord N.) made his motion, the noble marquis was not aware that lord Clancarty held the situation of joint postmaster general when he went as ambassador to the Netherlands.—He should now say a few words with respect to the bills introduced in 1812 and 1813, for the abolition of certain offices. In both of those bills the principle upon which his motion was founded, was recognised. This principle was either right or wrong. If right, then it made in support of the motion he was about to propose. If wrong, it was a little singular that though, during the discussion of the bills of 1812 and 1813, persons had been found to defend the chief justiceship in Eyre, and the office of justice general of Scotland—not a single voice had been raised in defence of the office of Joint Postmaster General of this country, and how the continuance of that office could now be defended upon the grounds of reason and argument, he confessed himself at a loss to divine. In bringing forward his motion on a former night, he had omitted to propose the reduction of the second postmaster general for Ireland. His motion was however founded, as was the address which he now meant to move, upon the bills of 1812 and 1813, and if he should be so fortunate as to carry the present address, no doubt the reduction of the second Irish postmaster would follow as a matter of course. Before he ventured to attack the strong hold of his opponents, namely, the inroad which such a motion as the present was likely to make upon the just and necessary influence of the Crown, he should say a few words to those members who were wavering in their bigotted adhesion to that doctrine. Whatever might have been formerly felt upon this subject, those fears were now removed, and he defied the ingenuity even of the hon. member, who, in endeavouring to conjure up a mighty bugbear, was so good as to make him an unworthy member of the trio who formed it, to

produce a recurrence of those years. What, he asked did ministers mean to state to the country? Did they mean to say, that they would here take their political stand, and oppose all further reduction? Were they actuated on this occasion by the same feeling which induced them to oppose the reduction of a junior lord of the admiralty! But, that reduction having been carried, they could go no farther! Had ministers drawn that nice and delicate line of demarkation which shewed that, beyond 2000*l.* a-year, they could not—ought not—to go in the way of reduction? He would put it to the House whether it would not have been more for the honour of government that that motion should have passed in the first instance, rather than be again brought forward after a lapse of five years? Public opinion had been so decidedly expressed upon his former motion, that, even should he fail in this instance, which he did not anticipate, he had no doubt of the ultimate success of the measure. It was acknowledged on all hands, that the country was in a situation which required relief. If any doubt existed on this point, he should at once refer to the statement made by the noble marquis on a former evening. And if that statement had any analogy, it was to the shifts and expedients of a ruined spendthrift, who in his proceedings displayed an intimate acquaintance with the practice of persons of another creed, and proved that he was well versed in all the mysteries and intricacies of X, Y, Z. In all cases of comparative distress, it was difficult to chuse between two luxuries. But, he put it to any gentleman who had had the misfortune to be reduced from his former station, whether, in the event of his having a duplicate of luxuries, he ever found a difficulty in giving up one of them? And he should in the same way put it to the House, whether any injury was likely to arise to the country from ministers foregoing the luxury of a double postmaster general? A right hon. friend of his (Mr. Robinson) must be aware that the influence of the Crown had considerably increased, from the increased amount of our debt, as well as the extension of our colonies. He should be sorry to appeal personally to his right hon. friend, for whose opinions he had the highest respect, as he knew that he was put forward to speak the opinions of government, but that those opinions were no more his own than they were those of any other person whatever. He had on a former occasion put it to gentlemen opposite, to say whether they had found in the people a disposition to canvass the measures of government. What, then, was the remedy to be applied? The people watched the conduct of parliament, because they had become more acute and discerning. They were distressed, and therefore they became more jealous both of parliament and of the government generally. He would ask, then, whether it was wise, in such a state of things, to retain a few places which had become odious to the people, and which the increased influence of the Crown from other circumstances rendered unnecessary? He would put it to the House to consider what instrument was used by ministers in thus retaining those places? It was the House of Commons. Why then should it be wondered that the House was distrusted by the people? Why should they wonder at hearing the cry of reform raised from one end of the country to the other? No matter whether the raising of that cry was right or wrong, none could say that it was not now general—no one could say that it was confined to a few manufacturing districts—no one could deny that it now extended even to the solitary ploughman. [Hear, hear!] How, then, were they to remedy this evil? Was it by denying all that the people asked? Would it not be better, by acting with moderation, to teach the people obedience? Had they not better show to the country, that while they were determined to oppose every thing that was wrong, they were equally ready to concede what they knew to be right? Would it not be wiser to act thus than to display a total apathy to the wants and wishes of the people? Or were ministers determined to shut their eyes and ears to every thing save a false and jealous alarm, lest the influence of the Crown should be diminished? It was in the power of ministers, by wise and skilful management, to direct and regulate the progress of freedom in this country; but if they attempted to oppose its progress, they would only widen its channels and aggravate its force. [Hear, hear.] He thought it would be most wise to concede on the present occasion, not so much because the motion was in itself of the utmost importance, as because its rejection would destroy the lingering hopes of the people, and strengthen their worst suspicions against that House. The

noble lord concluded by moving, "That an humble address be presented to his majesty, representing that his majesty's faithful Commons, relying upon his majesty's gracious disposition, expressed in answer to former addresses of this House, to concur in all such measures of economy as the exigences of the times require, and in such reductions in the civil department of the state as may be consistent with a due consideration for the public service, humbly pray, that his majesty will be graciously pleased to give directions that the Office of one of the post-masters-general may be abolished, and the salary thereby saved to the public."

The *Chancellor of the Exchequer* said, that the noble lord had taken a very unusual course in bring the same subject before the House twice in the course of the same session. Although the motion had been so framed that it did not immediately go against the standing order of the House, yet in substance and in object it was unquestionably the same. This was inconvenient, not as regarded the present question, but as it affected the general business of the House; for if the practice were to become common, the same subjects might be brought forward day after day, and the time thus consumed might obstruct the progress of measures which were of importance to the interest and safety of the country. The former motion had not been rejected solely on the ground that it was desirable the Crown should have at its command such appointments as that at which it was aimed to reward merit. The office had been defended as one that it was desirable to keep up for the protection of the revenue, and the superintendance of the concerns of the post-office. Would it be nothing, that a revenue of 2,000,000*l.* should be placed under the control of a single individual? Could any individual fitted to fill the situation of post-master, desire to have such a responsibility thrown on him? The question, whether the management and control of the post-office, would be better vested in a board, than in post-masters-general, had come before the committee of 1797; and it was then decided that the former was not to be preferred. At any rate, the establishment of a board in the place of the post-masters-general, was not to be preferred on the score of economy.—The true question now was, whether it would be advisable to place the post-office under a board of four or five persons of inferior rank, or whether it should continue as at present constituted, under the superintendance of two noblemen of high rank and great responsibility? To his mind, the arguments in favour of the present system predominated over the considerations which would go to sanction a change. There was, however, some difficulty in deciding on the details connected with this question, and he had therefore, proposed to refer them to the consideration of a parliamentary commission. The Treasury would not trust itself to go into the minute details, and he had therefore determined to call for a parliamentary commission. When the report of that commission should be received, the House would be more competent to decide on the merits of the case than it was at present. It was admitted on all hands that the business could not be better conducted than it was under the management of the post-masters. Under such circumstances, pending the inquiry which he had mentioned, he would put it to the House if it would do well to agree to the present motion.

Mr. *Bankes* thought his right hon. friend must be convinced that the public derived no benefit whatever from the appointment of two individuals to the office of joint-post-master-general. If, indeed, a board was necessary in that department, then there should be an umpire, or third person, to give the casting vote. But here there were only two noblemen, men equal in authority, and, it was to be presumed, in tenacity of opinion; and therefore, instead of being a convenience to the public, they were likely to clog the wheels of every mail-coach which ran through the kingdom, and bring the whole business of the office to a stand still. In a discussion on the navy estimates, a case had been mentioned, where there were two storekeepers employed in one office. They were equal in authority, and had a common key to the desk. One of them fell sick, and the other, who had the use of the key, in his absence robbed the till. He was far from applying this case to the noble postmasters-general, but he did it to show how absurd it was to expect any additional security from having two persons in office. If the amount of the revenue was to be looked to as a reason, then the office of paymaster-general, which was regulated by the bills of 1812 and 1813, was of tenfold importance. This office had been previously held by two persons; but what did parliament do?

They abolished one of the appointments, wisely judging, that as there must be one individual upon whom the responsibility of office must fall, one was sufficient to hold that office. The responsibility of the second officer could not be considered as any thing more than nominal. If the office were an office of trust, which it was, there could be no doubt that that trust might be safely reposed in any one of the noble lords. He was glad that an opportunity was now afforded to the House to reconsider its former vote; and he hoped that they would consult their better judgment. The hon. gentleman next alluded to certain measures which he had proposed in 1812 and 1813, for the abolition of particular offices, of which the office under the consideration of the House was one. The right hon. the late president of the board of control, the present president, and his right hon. friend (Mr. Huskisson), all supported the principle of those measures; namely, that all offices that could be abolished without injury to the public service ought to be abolished. Had the finances and the general resources of the country so far increased as to justify a departure from that principle? The House was bound, in consistency with their address, of last session, to agree to the present motion. When sinecures were to be abolished, could any one say that the office of a second postmaster-general ought to be preserved? It was a simple pure sinecure. He had heard with regret an hon. gentleman say, on a former occasion, that he would support the office, because the reduction of it would diminish the influence of the Crown. He trusted that the House would not act on such a principle. It was the duty of parliament to show a conciliating spirit towards the people. In this instance, concession might be made without the slighest detriment to the public service.

Mr. *Huskisson* said, his hon. friend had referred to the proceedings on the bill to abolish useless sinecures, but he had left an important blank in the history which it was important to supply. Having for several sessions brought forward the subject and failed, his hon. friend had, in 1817, been fortunate enough to find it favourably entertained by a committee. That committee investigated the matter with great diligence. It was suggested, that the office of joint-postmaster-general came within the denomination of useless sinecures; but the committee, after due consideration, declared that it was a place that ought not to be abolished. Under these circumstances, though he had supported the bill and its object, he (Mr. H.) felt himself at perfect liberty to be guided by the decision of the committee. The committee thought it fit that there should be more than one responsible officer at the head of the Post-office; and it was felt also that this place might be made the means of rewarding an individual, who, without salary, discharged the duties of some other situation. It would, he conceived, be much better to have the necessity of continuing the joint-postmaster investigated by a parliamentary commission. He would, therefore, recommend to his right hon. friend (the chancellor of the exchequer) to move for the re-appointment of the committee which was now about to expire, and to make the constitution of the Post-office the immediate object of its investigation.

Sir *J. Sebright* said, that since he had sat in parliament, he never had heard language which tended so much to degrade the House as had been used on this occasion. He never could consent, that the Crown should enjoy a corrupt influence. The arguments on the other side must have the effect of degrading the higher orders of society; for they induced a belief, that situations were given to men of exalted rank in the state, for the purpose of securing their support to the existing system. Was it not disgusting to be told that great and illustrious names could not be induced to do their duty to their king and country, unless they received 2 or 3,000*l.* a year? As well might they put into the estimates the amount of pension which it required to procure the support of those individuals. In this point of view, the motion was of importance, and he would support it.

Mr. *Sumner* said, that though there seemed good ground for supporting the two offices for the sake of the revenue, he fairly owned his reason for formerly having opposed a motion like the present, was a different one. He had observed previously to, and during the session, that county meetings had been held professedly to take into consideration the distress of the country, though at very few of them the professed object of the meeting had been gone into; that designing men were travelling over the country to excite disaffection; and that the senti-

ments of those persons had been put into instructions to representatives. Something like the system pursued at these meetings seemed to be followed in the House. Motions were made for repealing this and that tax, apparently to reduce the revenue to inefficiency, and the same sort of attack was made on the institutions of the country. One day there was a motion to reduce two lords of the Admiralty; another day to reduce a postmaster-general. Where it would stop he could form no judgment. Though, therefore, a reduction proposed might be proper, it would not be made in a proper manner under the influence of such a spirit, and on that ground, and not on the consideration of the individual case, he gave his vote. He should do it with the more satisfaction, after the pledge of the chancellor of the exchequer, that the post-office should come under the revision of a commission.

Mr. *Bright* contended, that the House was perfectly competent to decide on the subject, and ought not, therefore, to delegate their power to any commission. They were bound to show the people, by a strict performance of their duty, that they really were the guardian of those interests which were committed to their care.

Mr. *Tremayne* said, a pledge had been given, on the passing of the pension bill, to reduce all sinecures—a pledge which he should never consider redeemed, while the two postmasters-general remained.

Mr. *Stuart Wortley* said, he had, on a former occasion, given his vote on this subject with considerable hesitation. If it had been a simple question, whether the situation of second postmaster-general should be abolished, he would have given up the point. But, when he saw that the House had the day before addressed the Crown to remove two public officers; when he observed that a motion, attacking an entire board, stood for a succeeding day, and when he coupled these circumstances with the tone and temper of the country, which laboured under the delusion that these alterations would afford relief, he considered it his duty to negative that motion. The Crown, to perform its duties properly, must have influence; and the only question was, what portion of influence was necessary for the efficient execution of those duties? He asked for no more than what he conceived to be the due proportion of influence which the Crown ought to possess in the state; but he never would consent to strip it of its just attributes. Admitting this, and perceiving that circumstances, as far as regarded the mind of the country, were considerably changed; he thought, taking the present as a single question, that the House ought to give way to that extent. The people were very much disabused as to the idea that relief should be sought by the removal of a vast portion of taxation. They felt that the business of the country could not go on, unless a competent revenue were preserved. This was a great change; and as the House was not called on, in a headlong manner, to consider the present motion, he was ready to vote for it. If, however, it were understood, that a parliamentary commission would inquire faithfully into the nature of this office—that their report would be laid before the House—and that they would afterwards have an opportunity of deciding on it—he would be content to wait for that report. But if the question was now, ay or no, whether there should be one postmaster-general instead of two, he would give his vote in the affirmative.

The Marquis of *Londonderry* said, he had heard nothing that evening which had in any degree altered the view he had previously taken of the subject. Whether he looked at it in an administrative, a financial, or a constitutional view, his original opinion remained unchanged. The question was, in what course ought this subject to be put, to ensure a just and sound consideration of it? If this point were fairly argued, the hon. member for Corfe-castle would find, that those who opposed him stood on the 'vantage ground. Ought the office to be continued or not? The authority of his hon. friend (and surely he could not object to his own opinion) was in favour of continuing the office. It was true, in the parliament of 1813, he expressed a different opinion; but that opinion was reversed by a subsequent parliament: he participated in the sentiment, and therefore it was fair to infer that his calmer and more matured judgment was in favour of the office. Except that one objection of his hon. friend, which was afterwards removed, the whole stream of parliamentary proceeding was in favour of those who urged the necessity of keeping up the office. His hon. friend stated, that this, amongst other offices, was last year included in the address to the Crown. The question then was, had that address had no effect? It had pro-

duced a Treasury minute, directing the necessary inquiry to be made. The hon. member for Yorkshire was of opinion, that this point should be conceded, because the ferment of the public mind had subsided. But, he could not conceive where that hon. member saw the signs of this abated fervour, when a second motion was made on this subject in the same session. He would ask his hon. friend whether the House was likely to look into the office of joint-postmaster-general with the same dispassionate coolness which would distinguish a parliamentary commission, acting on oath? The hon. member for Yorkshire was willing to let the question rest for the present, provided it was understood that the report of the commissioners would be submitted to parliament. How could that step be prevented? It must come before parliament; and he felt that the report of five commissioners, acting on oath, would be a greater mill-stone about his neck than the bill of his hon. friend in 1813. He could not at all partake of the conviction which had so suddenly burst on the hon. member for Yorkshire, that the public mind had subsided into a state of quietude. He had no reason for believing that the gentlemen opposite would not go on attacking office after office. He could, however, assure the House, that if the motion were negatived, the subject of the post-office should be referred to the commissioners with as little delay as possible. After this plain declaration, he trusted the motion would be met by a negative. He must reprobate the idea, that men of exalted rank could be base enough to accept of such an office merely as a job.

Mr. *Wilberforce* agreed with an hon. baronet, that this motion became of far greater importance in consequence of the arguments by which it was resisted. It was alleged, that the office was necessary for the influence of the Crown. What! Preserve offices for the exclusive purpose of influence? What was this but what was called in plainer terms, corruption? Avowedly, the ground of continuing the office was to induce members of parliament to support government, right or wrong. He admitted the distinction between accepting office because a person agreed with ministers in their views, and supporting those views, because they obtained office; but the public were not always ready to make that distinction. This appeared to him to be a proper time for considering the subject, with reference to the consequences that might follow from the principles on which it was supported; and, to support the office on the ground that it was necessary to the influence of the Crown, seemed calculated to produce a bad impression on the public. These were times in which attacks on the constitution were made through the House of Commons. What could tend more to countenance such attacks than to decide upon keeping up the situation from the motive adduced in support of it? He should support the motion, because he felt it to be peculiarly incumbent upon the House, in the present times, to be careful of its character, and to endeavour, by all just and honourable means, to secure the respect and affection of the people.

Sir *F. Blake* would cordially support this motion, and after it should be carried, he would maintain, that a great deal more remained to be done. If the House understood the state of the country, they would pass such motions by acclamations. His real opinion was, that the hon. member for Montrose did as much good as all his majesty's ministers put together. The hon. member had made those see who could not see before; or, if they could see, would not see. Like the weight of a clock, the hon. member had made ministers go better and better by winding them up. He had not heard one single reason for continuing two postmasters. It was said, that the two postmasters must be continued in order to preserve the influence of the Crown. Against whom? Against themselves; and not only against the present, but against every future House of Commons. Was it not preposterous to call upon them to commit suicide on themselves?

Mr. *R. Martin* condemned the conduct of the opposition, which, he contended, was rather dictated by a desire to annoy the government, than by any consideration of the abstract merits of the question. Even if it could be demonstrated on abstract principles, that one postmaster-general was enough, he would oppose the motion, if it had a tendency to shake the present administration.

Mr. *James Macdonald* congratulated his noble friend on having returned to the charge with a spirit, perseverance and talent which augured well for the public cause. Now that ministers had had leisure for reflection, and an opportunity of col-

lecting the opinion of their country friends, he had felt some curiosity to see what new shifting course they would adopt; and that curiosity had been amply gratified by the turn which the debate had taken to night. With the exception of the member for Surrey, there was not a single unofficial person who had ventured to justify the vote which he intended to give against the motion. The tone of the noble marquis was indeed considerably subdued, *quantum mutatus ab illo Hectore!*" How were the mighty fallen since the last debate on this question! Humble and beaten, and retiring from his former ground, this champion of the influence of the Crown, who had once declared, that without this office it would be impossible to carry on the government of the country, was now ready to refer to certain commissioners a question which had been already twice decided in that House. It had been said, that the office was a part of the necessary patronage of the Crown, and therefore, ought not to be touched; but it was for the House to determine, whether that argument ought to have weight with them. He would ask the right hon. gentleman (Mr. Robinson), who had made so strong an appeal on a former occasion, in favour of the inferior clerks of his own department, whether he could stand up in his place and say, that a second postmaster-general was necessary? Whether he could say to those clerks, that they must be sent adrift, but that a duplicate postmaster-general must be retained? He wished also to know from the noble marquis what he meant by a very favourite phrase, which he had used upon that and many other occasions, "a well understood economy." It reminded him of what Hudibras said of pain—

"'Tis neither bad, simpliciter, nor good,
But merely as 'tis understood."

The hon. member then entered into a statement, to show the various sources of influence possessed by the Crown, and concluded with cautioning the House against giving their sanction to the continuance of unnecessary places, with a view to extend that influence.

Mr. *Money* defended the office of joint-postmaster-general. When he found that, within the last year, 2,000 reports had been referred to them, on each of which they gave their opinion, he could not think the office without considerable duties and great responsibility. When he likewise considered the immense patronage connected with the office, he did not think that it should rest in the hands of one person.

Lord *A. Hamilton* wished to ask the hon. gentleman, what length of time one of the postmasters, lord Clancarty, had been absent from the country? He believed he was away about two years; and this was a complete answer to the hon. gentleman's speech.

Mr. *Mansfield* said, he would rather give 10,000*l.* a-year to two such persons as now filled the office, than 2,500*l* to one.

After a short reply, the House divided: Ayes, 216. Noes 201. Majority for the motion, 15.

List of the Majority.

Allen, J. H.	Crespigny, sir W. De
Althorp, visct.	Crompton, S.
Anson, hon. G.	Creevey, T.
Anson, sir G.	Chaplin, C.
Acland, sir T.	Chetwynd, G.
Archdale, Gen.	Crawley, Sam.
Astley, sir J.	Calthorpe, hon. F.
Baring, sir T.	Cooper, R. B.
Barnard, visct.	Corbett, P.
Barrett, S. M.	Cole, sir C.
Beaumont, T. P.	Curteis, J. E.
Becher, W.	Davies, T. H.
Belgrave, visct.	Denman, Thos.
Bennet, hon. H. G.	Dundas, hon. T.
Benyon, B.	Denison, W. J.
Bernal, R.	Dugdale, D. S.
Birch, J.	Davenport, D.
Bright, H.	Doveton, Gabriel
Brougham, H.	Ebrington, visct.
Boughey, sir J. F.	Ellice, E.
Burdett, sir F.	Ellis, hon. G. Agar
Bury, visct.	Evans, W.
Byng, G.	Farquharson, A.
Bagwell, rt. hon. W.	Fergusson, sir R. C.
Butterworth, Jos.	Fitzroy, lord C.
Blair, J.	Fitzroy, lord J.
Bankes, H.	Foley, T.
Benett, J.	Folkestone, visct.
Blake, sir F.	Frankland, R.
Boughton, sir C. R.	French, Arthur
Bastard, E. P.	Fellowes, W. H.
Carter, John	Forbes, C.
Chamberlayne, W.	Fane, John
Calvert, C.	Farrand, R.
Carew, R. S.	Grosvenor, R.
Cavendish, lord G.	Graham, S.
Cavendish, H.	Grant, J. P.
Cavendish, C.	Grattan, J.
Caulfield, hon. H.	Grenfell, Pascoe
Chaloner, R.	Griffith, J. W.
Clifton, viscount	Guise, sir W.
Coffin, sir I.	Gurney, H.
Coke, T. W.	Gipps, G.
Colborne, N. R.	Gaskell, B.
Concannon, L.	Hamilton, lord A.

Haldimand, W.	Patten, sir John
Heathcote, G. J.	Robinson, sir G.
Heron, sir Robt.	Ramsden, J. C.
Hobhouse, J. C.	Ramsay, sir A.
Hornby, E.	Rice, T. S.
Hughes, W. L.	Ricardo, D.
Hume, J.	Rickford, W.
Hurst, R.	Ridley, sir M. W.
Handley, H.	Robarts, A.
Hutchinson, hon. C. H.	Rumbold, C.
Harvey, sir E.	Russell, lord J.
Hotham, lord	Russell, R. G.
James, W.	Rowley, sir W.
Johnson, col.	Rogers, E.
Jervoise, G. P.	Ramsbottom, J.
Kennedy, T. F.	Stanley, lord
Knatchbull, sir E.	Scarlett, J.
Keck, G. A. L.	Scott, J.
Latouche, R.	Scott, James
Lamb, hon. G.	Scudamore, R.
Lambton, J. G.	Smith, R.
Langston, J. H.	Smith, J.
Lemon, sir W.	Smith, W.
Lloyd, sir E.	Smith, G.
Lennard, T. B.	Stewart, W. (Tyrone)
Lushington, S.	Stuart, lord J.
Leycester, R.	Sykes, D.
Lockhart, W. E.	Scourfield, W.
Lucy, G.	Sebright, sir J.
Lester, B. L.	Shelley, sir J.
Lawley, F.	Sotheron, Frank
Lethbridge, sir T.	Tavistock, marquis of
Maberly, J.	Taylor, C.
Maberly, W. L.	Taylor, M. A.
Macdonald, J.	Tierney, rt. hon. G.
Mackintosh, sir J.	Townshend, lord C.
Markham, admiral	Tynte, C.
Martin, J.	Tulk, C. A.
Maule, hon. W.	Talbot, R. W.
Maxwell, J. W.	Tremayne, J. H.
Milbank, M.	Titchfield, marq.
Monck, J. B.	Whitbread, S. C.
Moore, P.	Warre, J. A.
Marjoribanks, S.	Webbe, E.
Marryat, Joseph	Western, C. C.
Mahon, hon. S.	Williams, Owen
Newman, R. W.	Williams, T. P.
Neville, hon. R.	Williams, W.
Newport, rt. hon. sir J.	Williams, John
Nugent, lord	Wilson, sir R.
O'Callaghan, J.	Winnington, sir T.
Ord, W.	Wood, alderman
Osborne, lord F.	Wyvil, M.
Ossulston, lord	Wilberforce, W.
O'Brien, sir E.	Wortley, J. S.
Palmer, col.	Whitmore, T.
Palmer, C. F.	Whitmore, T. W.
Pares, Thos.	Wells, John
Pierce, H.	Wodehouse, E.
Pelham, hon. C. A.	Wilson, John C.
Philips, G. R.	TELLERS.
Philips, G.	Duncannon, visct.
Power, R.	Normanby, visct.
Powlett, hon. W.	PAIRED OFF.
Prittie, hon. F.	Abercromby, hon. J.
Pryse, P.	Curwen, J. C.
Plumber, John	Dundas, C.
Ellison, Cuthbert	White, Luke
Ford, M.	Wilkin, W.
Westenra, hon. H.	

HOUSE OF LORDS.

Friday, May 3.

SCOTS REPRESENTATIVE PEERS.] The Earl of *Rosebery* reminded their lordships, that he had last session introduced a bill for regulating the election of the representative peers of Scotland, which had gone through two of its stages. It was proposed to be enacted by that bill, that no person claiming to be a peer of Scotland, except the son or lineal descendant of a deceased peer, should vote at the election of the sixteen representative peers. This proposition was received with approbation by their lordships in general. Only one noble lord urged any objection to the measure, and that noble lord suggested that it would be better to attain the object in view by a resolution of their lordships' house, than by a legislative enactment. It was also thought advisable that a communication should be made to every individual peer of Scotland, in order to obtain his opinion. In consequence of these suggestions, the bill had been withdrawn, and a communication of the kind referred to had been made. The result of the correspondence had confirmed him that it was necessary for parliament to interpose its authority on this subject. Nearly all the peers of Scotland had expressed their complete approbation of the proposed measure, and none had objected to it. One had thought it not necessary. Another had qualified his assent by observing, that he apprehended such an arrangement might not be the wish of all the peers. Another, again, was of opinion, that a resolution of the House would be preferable to an act of parliament. The evil of which the Scotch peers had to complain was, that from the Union down to the present time, it had been in the power of any person claiming to be a peer, though he possessed no right to such dignity, to vote at the election for the sixteen peers to sit in parliament; there being no provision in the act of Union requiring that the right of the claimant to a title should be proved before he was allowed to vote. That any body of men should be subject to such an intrusion, must appear very extraordinary; but to the peers of Scotland it was a particular hardship; for, excluded as they were from becoming members of the House of

Commons, they were besides, by the irregularity of their election, liable to be kept out of their seats in that House. He could refer to cases which would show that the system was as bad in fact as in theory. One case of injustice, he believed, would be all that he need state. At the election of 1790, only 13 peers out of the 16 were returned. Six others had an equality of votes, and it remained to be ascertained which three of those six were entitled to sit. After three years of laborious investigation, it was determined by their lordships' House to which the majority of the legal votes belonged. It might be said, there was another question mixed up with this; namely, whether British peers, who were also peers of Scotland, were entitled to vote: but this was a question of so narrow a compass, that it was capable of being settled, as indeed it was settled, by one deliberation of the House. Its discussion, in fact, occupied only one day of the three years during which three peers had been excluded from their seats. The next question to which he had to call their attention was the best means of removing the evil. After consulting with persons best qualified to give an opinion on this subject, he thought it advisable to propose two resolutions to be referred to a committee of privilege. The purport of the first resolution was, that, upon the decease of any peer, no person except the son, grandson, or other lineal descendant, or the brother of such peer, should be permitted to vote at the election of the sixteen representative peers of Scotland, until his claim to the peerage be made good before a committee of privilege. The object of the second was merely to provide, that the first resolution should be no obstacle to claimants challenging the right of persons who now held peerages. If the committee should agree to these resolutions, he wished still to reserve the question, whether or not they ought to be made the subject of a legislative act.

The resolutions were referred to the committee of privilege.

HOUSE OF COMMONS.

Friday, May 3.

POSTMASTER GENERAL.] The Marquiss of Londonderry reported his Majesty's answer to the Address of yesterday, as follows:

"The king having been attended with the address of the House of Commons of yesterday, acquaints the House that he will give directions that the salary of one of the postmasters-general shall forthwith be discontinued:—His majesty only postpones the abolition of the office of one of the postmasters-general, until he shall have had the opportunity of considering what permanent arrangement may be advisable for the conduct of the business of that department."

NAVAL AND MILITARY PENSIONS.] On the order of the day for receiving the report of the committee on the payment of the Naval and Military Pensions,

Mr. *Bernal* said, he considered the proposition simply as a loan; but was at a loss to understand how the same security could be obtained from the contractors for the performance of the conditions of such a loan as for those of a fixed loan. If no such security could be afforded, in what a situation of loss might the country be placed. Some contingency might render the contract so oppressively burthensome, that the contractors would abandon it. There were contingencies also that might give the contractors an undue advantage.—If a war should occur in the course of four or five years, many of the officers at present on half-pay would immediately be put on full-pay; and that full-pay would be charged on another fund. In that event the terms of the contract would be unduly improved to the benefit of the contractor.

The report was brought up, and the four first resolutions agreed to. On the fifth resolution being put,

Mr. *Hume* said, that to this resolution he should move an amendment. The object of it was to burthen posterity and to relieve ourselves—a direct violation of the principle of the sinking fund. But, besides other objections, the operation was so complex that it was almost unintelligible, and the perplexity spread over a period of 45 years. The project was so novel, and the amount so large, that it would be found very difficult to find contractors. For sixteen years they would not receive a single shilling, and would be paying many millions in advance. It was clear, also, that the public must be losers by the transaction, if private parties entered into the speculation with government; but if the loan (for it was nothing else) were taken by the com-

missioners of the sinking fund, the public would gain, and the scheme would be rendered comparatively simple and intelligible. He would therefore move as an amendment, "that the commissioners of the treasury should treat and contract with the commissioners for the redemption of the national debt for the sum required."

Mr. *Cripps* thought the noble marquis had conferred a benefit on the country by adhering to the sinking fund. He admitted, nevertheless, than the plan now proposed militated in a slight degree against it. But it was necessary that some relief in the shape of taxation should be given, and he knew of no better mode of giving it than the present. The whole of the leather-tax, a moiety of the salt-tax, and a large portion of the House and window-tax, would thus be removed. He did not see any of the complication of which the hon. member had spoken, and had no doubt that if the terms were proposed, contractors would be found for the whole before to-morrow night.

Mr. *Whitmore* thought it would be more economical to borrow the money of the sinking fund than of contractors. He had voted for preserving the sinking fund at the beginning of the session, because a great financial project was then before the country—the payment of the 5 per cents; but now that that object had been effected, it became the duty of the House to consider the best means of affording relief to the country. If the contract were made according to the amendment, all complexity would be avoided.

Mr. *J. Martin* felt it his duty to oppose the proposition of the chancellor of the exchequer. The bargain would be made upon most disadvantageous terms. The right hon. gentleman was daily in the habit of selling annuities on the lowest terms: while, his present plan went to purchase them at the highest.

Mr. *Ricardo* said, that the proposition of the hon. member for Montrose was the same as that of ministers, only he wished the contract to be made on the most advantageous terms. Whatever *bonus* the private contractor obtained, would be a clear loss to the country. There could be no doubt that, if the sum required were now taken from the sinking fund, at the end of 45 years the country would be in a better situation than if the money were borrowed of individuals. He was an enemy to all complicated schemes, and was for avoiding a crooked path when there was a straight one before him leading to the same end. The obvious course was to take the sum from the sinking fund.

Mr. *T. Wilson* contended, that at the present moment, while the 3 per cents were at 78 or 79, ministers could make a more advantageous bargain than at a subsequent period when they might be lower. Besides, they would thus avoid the contingencies of war. It was just as proper now to support the sinking fund, as in the beginning of the session; because the period might not be far distant, and he hoped it was not, when ministers would be prepared to pay off the 4 per cents. The present amendment was an attack upon the sinking fund by a side wind. Though relief from taxation was very desirable, it was even more desirable to keep faith with the public creditor. If that faith were not kept, the agricultural interest might suffer even more severely than they did at the present moment.

Mr. *Brougham* said, it now appeared that all sides were for a reduction of taxes, though, at the beginning of the session, reduction was declared to be impossible, on account of the preservation of the sinking fund. It was hardly necessary to congratulate the House, that the chancellor of the exchequer had thus yielded to the necessities of the country, and was willing to relinquish taxation to the extent of 1,800,000*l.* This was a pretty good nest-egg to begin with; and it should not be his (Mr. B's.) fault, if the right hon. gentleman was not urged to give up several millions more. The question before the House was precisely this: whether, according to the plan of ministers, or of the hon. member for Montrose, the proposed reduction of taxes could be most economically made? The hon. member who spoke last rested the defence of ministers entirely upon the present high price of stocks and the contingency of war during the next forty-five years. If this argument was correct, why not carry it further? Why not borrow 20,000,000*l.* at once, and apply the principle of the sinking fund to the extinction of that loan in the usual manner? But there was another consideration beyond all these. Had we not an unfunded debt of more than 30,000,000*l.* Why not fund this? Stocks were high at present, and therefore the opportunity was most favourable. If these 30,000,000*l.* were funded when stocks were 78, government would have all the benefit of the operation.—It was

perfectly obvious, that the mode in which the present commutation could be most economically effected, must be for the government to secure to themselves the whole of that benefit which the contractors would reap, provided the bargain should be struck. Whatever name the right hon. gentleman might give to his plan, it eventually must be neither more nor less than an interference with the sinking fund. Who were to gain relief by the proposed plan? They who should live and pay taxes for the next 16 years. Who would suffer by the relief which was to be effected? They who should live and pay taxes after the expiration of the first 16 years of the 45. Until after the first 16 years should expire, the country would have gone on borrowing, but without making any payment. Now, the only difference between such a project and ordinary loans was this; that in the case of ordinary loans the country paid the interest regularly every year, but, in this instance, it would not begin to pay at all until the seventeenth year. But then, for the remaining 29 years of the term, it would have to pay principal, interest, and profit too. It followed from these premises, that the persons to be relieved by the scheme were those who should pay taxes during the first 16 years; and that the persons who would be pressed, in order to enable government to extend that relief, would be those who were to pay taxes during the remaining 29 years. Now, the sinking fund pressed hardest upon the former of these classes. It was supported by means of the sums paid for that purpose by those who lived and paid taxes during the earliest series of 16 years. But who were the persons that would derive the profit of it? They, clearly, who should pay taxes after that series of 16 years had passed. The noble marquis had intimated that the sinking fund was intended to be 5,000,000*l.* yearly, and to accumulate at compound interest, for ten years; at the end of which time the noble lord calculated, that its operation would have reduced about 70,000,000*l.* of the capital debt, and that the accumulation would have reached between 7,000,000*l.* and 8,000,000*l.* only. But, during this period of ten years it was proposed that no taxes should be remitted. That is, the sum of 250,000*l.* (being the interest of 5,000,000*l.* at 5 per cent) was not to be applied towards the repealing of taxes, to that amount, but it was to accumulate. The public was only to be relieved from a portion of the taxes, at present paid for defraying the interest of the debt, when, at the expiration of the 10 years, the interest on the accumulated sinking fund should arrive at 400,000*l.*; and then it was to be applied towards the reduction of the interest. Now, of this plan he would say, that while the country continued in its present lamentable state, it ought never to be put in execution—that, the country being under circumstances such as those in which she now found herself, no sinking fund at all should be kept up, until she could better afford it. He should recommend that, instead of leaving these 5,000,000*l.* to accumulate at compound interest, the whole sum should be taken and applied in the relief of taxation. Let the public creditor be satisfied with all that he could fairly demand; namely, the payment of his interest.—The next question was, which of two sinking funds offered to their attention they would have? He had already stated what he conceived to be the objections against a fund of 5,000,000*l.* accumulating for 10 years at compound interest. He would rather say, let them take their 5,000,000*l.*, and the year's interest would be 250,000*l.* The next year there would be other 250,000*l.* and so on, till the term of 10 years was completed. This proposition assumed that the sinking fund was, in the meanwhile, strictly kept up at 5,000,000*l.*, but not accumulating at compound interest. Now, the total simple interest on that sum, at 5 per cent, would form a very eligible fund, applicable to the relief of taxes. In ten years it would amount to 2,500,000*l.* During the next period of ten years, this same sum would be generated; so that at the end of the next 20 years, the government might have reduced taxes to the amount of 5,000,000*l.* This was his proposal for a sinking fund. Now, what was the nature of the noble lord's plan? The noble lord would begin with 400,000*l.* at a period of 11 years hence, rather than with 250,000*l.* this very year. What would be the relative effects of these two schemes? At the end of 20 years, the noble lord would have remitted 4,000,000*l.* of taxes. He (Mr. B.) in the same period, would have remitted 5,000,000*l.* The noble lord would have sacrificed relief to the present generation wholly, as far as regarded those who were to pay taxes for the first 10 years; and partially, as respected those

who would have to pay them during the second term of 10 years. It resulted, therefore, that down to the termination of that second period, that was, in 20 years, his (Mr. B's.) plan would have remitted taxes to a greater amount by 1,000,000*l.* than the project of the noble lord would have done. But, in about six years after that point, it seemed that the noble lord's project might overtake his; and after that time (26 years hence), it might work undoubtedly a much more considerable operation than his (Mr. B's) scheme would effect. But that scheme would afford partial relief to the present generation, and chiefly during the ensuing ten years; besides the relief which it would diffuse in some degree over the whole 26 years. But—how would this plan of the noble lord's consist with the other plan which he had brought forward—the commutation of the half-pay charge? The plan respecting the half-pay was exactly the reverse of this; for it was applying all the relief to the present generation. Government were to pay 2,800,000*l.* a-year for the whole of the 45 years. Taking the present mode of paying pensions, they would be gainers for 16 years to come: after that period the thing would become equal. To those who lived subsequently to those 16 years, the bargain would be a great burthen. It was impossible that any person who looked at the noble lord's plan for a fund, in conjunction with this plan of commutation, could entertain a doubt as to the ultimate effect of both. It was this—that every 1,000,000*l.* taken as from the one, was added to the other.—The next question was—what terms was the right hon. gentleman likely to get in the market? In the first place, the novelty of the plan must inevitably raise the market against himself. It was clear that men, in order to be induced to take that sort of bargain which was new and strange to them, must always be bribed by a certain bonus. That bonus must, of necessity, be paid by the public. In the second place, the market into which the right hon. gentleman would have to go, must, of course, be a very contracted one. A common loan was easily disposed of. A man felt no hesitation about buying 1,000*l.* of stock, upon which he knew that in the next half-year he should receive his dividend. But the case must be quite different where the party knew, that only at the end of 16 years his bargain would begin to pay him; and that not until the expiration of 45 years would he have realized his full profit upon it. The number of those who would offer to take this bargain would be very limited; the competition, of consequence, would be very slight, and the terms very disadvantageous. Great companies, indeed, might be found to bid; but even they must be such as, possessing great capitals, had some sort of surplus which they could afford to sink under a prospect of large profit, for so long a term of years. At all events, the bonus must be paid by the country, and the advantage, most disproportionately, result to the contractor. The simple and obvious way of effecting an arrangement of this kind would be, to take the money from the sinking fund, and thereby save the country the charge of the exorbitant premium which would attend the proposed transaction. He must be allowed once more to suggest how gross an absurdity that was, which they were called upon to sanction; and what ridicule and just censure it would entail upon them out of doors. They were taking 5,000,000*l.*, and putting it into a chest, in order that it might accumulate for the payment of a debt at the end of a certain period. In one and the same moment, they borrowed the same sum as they had in their chest, but at a great disadvantage. They were going into debt as lenders and as borrowers. They were taking especial care that the benefit should be all to the contractors, and, in short, upholding an absurdity of that kind, that the man, who, in private life, should suggest such a principle, would stand a chance of being conveyed to Bedlam, rather than to his own mansion. He would suppose the case of a man, who, with an income of 10,000*l.* a-year, was unfortunately incumbered with a debt of 100,000*l.* To extinguish the principal and interest of his debt, this person had reserved one half of his income every year, being a reservation of 5,000*l.* Besides this debt, there was a jointure, or annuity, charged on his estate, of 2,000*l.* a-year; and, being anxious to enlarge his sinking fund of 5,000*l.*, he put by other 2,000*l.* a-year for the same purpose, reserving for his own expenses only 1,000*l.* He would suppose that the chancellor of the exchequer found the individual in this state, and advised him to carry his jointure into the market and sell it, on the ground that the money to be raised by

the sale would enable the gentleman to add 1,000*l.* a-year to his own reserved income. The right hon. gent. would say, "It is very true that a few years hence, by the sale of this jointure or annuity, you may find yourself a loser of some 30,000*l.* or 40,000*l.* a-year;" but then he would console the gentleman with the reflection, that his sinking fund—the fund of which he had made a brag, as it were, to the public—remained untouched. Upon the grounds he had assigned, he must oppose the proposition of the right hon. gentleman, and express his hope that he would be induced to take money from the sinking fund.

The *Chancellor* of the *Exchequer* observed, that on the question of the sinking fund, gentlemen had long been much divided, members on the Opposition benches wishing to take it away altogether, and those on his side preferring to keep it inviolate. That principle of sacredness, to which he considered the faith of parliament to be pledged, and upon the strength of which this country had been enabled to execute such vast achievements in the course of the late war, [Cheers] he hoped that House never would depart from. It was upon this principle that government had just been enabled to perform one of the greatest financial operations that had been of late years attempted, and by which they would be enabled to remit very speedily taxes to the amount of nearly 1,500,000*l.* The present plan, would obtain at once a saving of 2,000,000*l.*, and with perfect good faith to all parties. It was said, that this was done to relieve ourselves at the expence of posterity. This was not the case. The question was, whether we should pay an annuity of five millions, gradually diminishing for 45 years, or whether we should divide the burthen equally through all the years of the term? The amount of the charge at the end of the term was equal. The gentlemen opposite had all at once become extremely jealous of an attack upon the sinking fund. But the fact was, that the sinking fund would go on as before, there being nothing added to the debt, but a charge which was to be extinguished by the mere operation of time. Since the conclusion of the peace, taxes had been remitted to the amount of twenty millions; and if the remission of taxes was to be considered as a panacea for the distresses of the country, government were at least entitled to that extent, to the gratitude of the country. With respect to the mode of carrying the plan into effect, he could assure the House that there should be a fair and general competition among those who were disposed to buy.

Mr. *J. P. Grant* said, that nothing but a remission of taxation could save the country. As to the sinking fund, as it was now placed, its operation was quite delusive.

Mr. *Jones* approved of the plan, and thought the amendment would, if acted upon, suspend the operation of the sinking fund, and prove disadvantageous to the country. It was said, that to effect this plan, the contractors must get a bonus, the amount of which would be lost to the public. He did not concur in that opinion. The speculators might gain, but it was equally possible they might lose.

Mr. *Denis Browne* expressed his surprise that gentlemen opposite should feel averse to any proposition which went to the reduction of taxation; that having been the theme of their speeches during the session.

Mr. *Bennet* said, the ground of complaint was, not that taxes to the amount of 1,800,000*l.* had been reduced, but that a much larger portion of the public burthens had not been remitted. He would say, take away the whole of the sinking fund, and reduce taxation to that amount. The country had a right to expect this. The national creditor had no claim beyond the interest of his debt; and, considering the terms by which his debt was contracted, he ought, in the distressed state of the country, to consider himself fortunate if he got that.

The House divided: For the amendment, 56. Against it, 135.

List of the Minority.

Althorp, viscount	Grant, J. P.
Boughey, sir J. F.	Griffith, J. W.
Bright, H.	Hamilton, lord A.
Bernal, R.	Hornby, E.
Blake, sir F.	Hughes, col.
Brougham, H.	Heron, sir R.
Clifton, viscount	Hutchinson, hon. H.
Coffin, sir Isaac	Jervis, G.
Calvert, C.	Kennedy, T. F.
Concannon, L.	Langston, J. H.
Crespigny, sir W. De	Lloyd, sir E.
Crawley, S.	Leycester, R.
Crompton, S.	Lemon, sir W.
Dundas, Charles	Maberly, J.
Davies, col.	Maberly, W. L.
Evans, W.	Marjoribanks, S.
Grattan, J.	Milbank, M.

Monck, J. B.	Scarlett, J.
Newman, R. W.	Stanley, lord
Newport, sir J.	Tierney, G.
O'Callaghan, J.	Webbe, col.
Palmer, C. F.	Whitmore, W. W.
Ramsden, J.	Williams, J.
Rice, T. S.	Wyvill, M.
Ricardo, D.	Wilson, sir R.
Rickford, W.	TELLERS.
Smith, W.	Hume, J.
Sykes, D.	Bennet, hon. H. G.
Sebright, Sir J.	

HOUSE OF LORDS.

Monday, May 6.

AGRICULTURAL DISTRESS, AND THE MEASURES FOR ITS RELIEF.] Earl *Grey* said, that previous to the holydays, he had given notice of his intention to bring the distressed state of the country under their consideration, with the view of relieving that distress by a reduction of taxation. He had also put a question to the noble earl opposite, the object of which was, to ascertain whether any measures were to be proposed by government, in addition to those which had already been brought before parliament. The noble earl had referred him to the committee of the House of Commons which was then sitting, and which had since made its report, observing, that he did not know what might be done by the House of Commons, in consequence of that inquiry, but that government had no further measures to propose. Shortly after this, the report of the agricultural committee appeared. Of that report it would be impossible for him, consistently with the respect due to the quarter whence it came, to speak in the terms it deserved. But this he would say, that he did not think it had disappointed the expectations of the country; for he did not believe that any body had entertained the slightest hope of benefit from the labours of the committee. Few, however, could suppose that any body of men, having before them all the materials of information on a given subject, could have produced a document so utterly deficient in every character of wisdom and practical utility as that report. With regard to the measures which had been proposed as means of relief, they were all inadequate to their object, and totally inconsistent with sound and rational views of policy. The presenting of that report would not, therefore, have occasioned the least possible delay in his intention of bringing forward a motion on the state of the country. But other measures had since been brought forward in the other House. Those measures might come before their lordships at no very distant period, and he therefore thought it right to wait until they were brought up from the other House. With respect to these measures, he should take that opportunity of saying a few words. There was one specific measure now in progress, which was extraordinary, as it came from persons who had asserted that the reduction of taxation could afford no possible relief. That measure had his decided disapprobation, not certainly because it tended to reduce taxation, but because it proposed to accomplish that reduction in a manner the least advantageous to the country. Neither did he disapprove of it because it violated the sinking fund, the attempt to preserve which was delusive, and which in his opinion ought to be wholly suspended, to relieve the pressure on the country. What he condemned the measure for, was, its violation of just principles, the disguise it assumed, and the complexity in which it was involved. The scheme to which recourse was now to be had, was one which would ultimately be attended with great loss to the country; and its evil effects were attempted to be concealed, by the disguise of preserving the sinking fund. This proposition for the reduction of taxation, would ultimately produce a loss to the country of several millions. If the noble earl should enter into any engagement before the subject was fully considered by the House, it would be his endeavour to induce their lordships to reject such engagement, as it must inevitably be attended with great loss to the public.

The Earl of *Liverpool* said, he had never looked to the report of the agricultural committee as likely to give origin to any measure capable of relieving the existing agricultural distress. If, however, there were defects in the existing law, he was not disposed to adopt the opinion that no prospective remedy ought to be applied, because he could not expect from any measure immediate relief. But the noble earl had particularly dwelt on what he called the inconsistency of ministers, who had declared that no relief was to be obtained from the reduction of taxation, and had yet proposed a measure, the object of which was to reduce taxation in an improper manner. Now,

neither he nor any person connected with government had ever made any such declaration. On the contrary, they had always held that the reduction of taxation, whenever it could be accomplished consistently with public faith, was a most desirable object. But, he had always held, as he now held, that reduction of taxation, would in vain be looked to as a means of relief to agricultural distress. He did not believe that the repeal of taxes could have the least effect on agriculture, unless it were limited to those which fell exclusively on the farmer. He would admit that the repeal of such taxes would be *pro tanto* a relief; but the general *government taxes* pressed more lightly on the agriculturists than on any other class; and he must therefore maintain that no essential relief could be obtained by their reduction. He had laid an emphasis on "government taxes," because there was another kind of taxes, namely, the poor-rates, which had a very different operation on agriculture, and were more severely felt. He was confident it would be found, that the weight of the government taxes fell on the community at large, and not particularly on the farmer; and that, though reduction would be a relief to the country in general, it would be none to agriculture. And here he would ask what had been the object of the reduction of the five per cents? No doubt that operation bore hard upon the holder, but it was a reduction of taxation to a certain degree; and it was expressly stated that it was a preliminary step to farther measures of the same kind. With respect to the measure in progress, for the future payment of the dead charge, he was prepared to prove that it involved no breach of public faith, and that it was in effect a reducing of the national debt, but by a different operation from that of the sinking fund; inasmuch as it possessed the advantage of yielding present relief. He could very well understand the argument of noble lords on the other side, who thought that getting rid of the sinking fund would relieve the country; but he must protest against such a doctrine, because he was convinced that the relief which might thus be maintained would ultimately prove an injury to the country.

HOUSE OF COMMONS.

Monday, May 6.

LICENSING PUBLIC HOUSES.] Mr. Huskisson presented a petition, which, if the party subscribing it had taken his advice, would, he said, have been committed into other hands, but which, as the petitioner pressed it, he thought it his duty to present it to the House. It was stated in the petition, that the petitioner, Robert Churchward, a builder, undertook some years ago, to build about four or five hundred houses in the county of Middlesex, in the neighbourhood of Mile-end, near the Commercial-road: that after having built about one hundred or rather more, the inhabitants of this newly created town remonstrated against the inconvenience which they sustained from not having any public house in the neighbourhood. In consequence the petitioner built a house expressly constructed for a public house, at the expense of 1,500*l.*, intending that it should be opened and kept as a free house. In 1817, the petitioner applied to the magistrates for a license for this House, having a recommendation signed by the minister, the churchwardens, and the principal inhabitants of the parish. Notwithstanding that application so backed, the magistrates refused to license the house. In 1818, the number of houses having increased to above 200, the petitioner again applied to the magistrates for a license and was again refused. In 1819, finding that he had not interest enough to procure a license, the petitioner entered into a treaty with a publican at Bermondsey, of the name of Brown, to whom he sold the house for 1,100*l.* Brown at that time dealt with Barclay, and Co.; but on removing to Mile-end, he changed to Hanbury and Co., and gave as a reason, that they had a general interest in that part of the town. A license was immediately granted to Mr. Brown by the magistrates. The petitioner continued to build houses until the number exceeded 400, when it was represented to him that it was necessary to have another place for the sale of beer and he in consequence built one, as remote as he could from the house occupied by Brown. In 1821, the petitioner applied for a license for his new house, and again met with a refusal. In the same year another person built a public house on a spot of ground contiguous to this new town, which spot of ground had some time before been made over to that person by the petitioner. That House was taken by Hanbury and Co., and although there were but very few houses

adjacent, the magistrates immediately licensed it. Such were the statements of the petitioner, for the accuracy of which of course he (Mr. H.) was not responsible. He had represented to the petitioner, that if he had suffered the grievances of which he complained, he had a remedy at law. The petitioner, however, had stated to him that he could have no redress at law. The injury which the petitioner complained of then, was this. He sold the House which cost him 1,500*l.* to Brown for 1,100*l.*, and the moment that it was licensed by the intervention of Messrs. Hanbury and Co. it became worth 3,000*l.*; and for that sum, Brown, if he pleased, could at once dispose of it. If the statements of the petitioner could be substantiated, it was clear that great abuses arose out of the present licensing system. As he saw the hon. member for Weymouth in his place, he wished to call his attention to the assurance which he sometime ago gave, that when the moment arrived at which the brewers derived any benefit from the reduction of the duty on malt, the price of beer should be lowered. What he wished to know was, whether that moment had arrived? If not he could only say that some measure must be taken to hasten its arrival.

Mr. *Fowell Buxton* perfectly concurred in the opinion of the right hon. gentleman, that if the allegations in the petition were well-founded, a case of grievance was made out, to which parliament ought to apply a remedy. He felt himself much obliged to the right hon. gentleman for having given him an opportunity of seeing the petition before he presented it to the House, as it had enabled him to inquire into the subject; and he could now positively declare, that all the substantial allegations of the petition were not borne out by the fact. The petitioner said, that in 1817 he had taken a piece of land for building. In the same year he made his first application to the magistrates for a license. Under those circumstances, the magistrates might probably have thought such an application premature. The following year the petitioner made a second application; but it was refused, because the greater part of the houses which he had built were untenanted. In the following year it seemed, the magistrates had licensed the house. Now, as the petitioner complained that the house had not been licensed during the first two years, he certainly could not complain of the magistrates for licensing it in the third. In licensing it they had done, even according to the petitioner's statement, what was right; and the only charge against them therefore was, that they had done what was right from a corrupt motive. The only fact in the shape of a charge conveyed by the petition, was, the statement, that Brown had transferred his trade from Messrs. Barclay's house to that of Messrs. Hanbury; but all who knew any thing of the brewers trade would be perfectly aware that the circumstance was one of every day's occurrence, and that no inference whatever of a corrupt nature could justly be deduced from it. Now upon that showing only, the single fact stated in the petition was answered; but it should be answered still more completely, Supposing Messrs. Hanbury to possess the influence attributed to them, the House would hardly suspect them of using it for any one's benefit but their own; and he did assure the House most unequivocally, that no agreement of any description, either made or understood, existed between Messrs. Hanbury and Mr. Brown. Brown was perfectly independent: he was no more confined to his brewer, than the right hon. gentleman was to his baker; he had brought his trade to the House, and would probably continue it as long as he found himself well treated. So much for the first part of the petitioner's case. The second called for still fewer observations. The petitioner complained that (after failing as to his first house), he had built two more houses, and that licenses had been refused to them; and that, after such refusals, a house upon the same spot, in the interest of Messrs. Hanbury, had been licensed. Now, the objections to the petitioner's two houses had been these—The first stood only 200 yards from the house occupied by Brown, and the second only 160 yards. The house licensed to Spratley (the successful applicant) stood 320 yards from Brown's house, and not in the same street. Adverting to these circumstances, he begged to ask the right hon. gentleman, whether the discretion exercised by the magistrates had not been such as he would have exercised himself? But he begged entirely to deny the allegation in the petition, that the house licensed to Spratley was let to Messrs. Hanbury.—Having disposed, then, he trusted, of Mr. Churchward's petition, he now came to the question which had

been put to him by the right hon. gentleman. And first, he wished to point the recollection of the House to the circumstances under which that question was asked. When the subject had first come before the House, he (Mr. B.), without an opportunity of consulting the other brewers, had been induced, by some observations from the right hon. gentleman, to pledge himself that the price of beer should be reduced, as soon as the stock on hand, brewed from malt at the full duty, was consumed. He knew what it was that government expected. They had granted a farthing, and they wanted a halfpenny. But the pledge was redeemed, for the price of beer was lowered already. [Cries of "How"; "how much?"] It was lowered a halfpenny a pot; and government had only lowered it a farthing. He knew that a prejudice existed in the House against the class of persons to whom he belonged. He knew that complaints were made, over and over again, of the extensive property in public houses possessed by the brewers. In answer to such complaints he could state one fact. The firm to which he belonged supplied 766 publicans; 105 of those customers lived in the country. Of the others, only 49 occupied houses belonging to the firm: 22 were confined to the firm by loans; but 600 were independent. A small part of that number had loans, but the greatest part of them were entirely independent. As for the feelings of the brewers with respect to restrictions upon their trade, he appealed to the hon. member for Shrewsbury whether he (Mr. Buxton) had not afforded him every assistance in the preparation of his bill, and whether he had not suggested to him that clause which prohibited brewers from purchasing or becoming the lessees of public houses? He felt that such a measure would restrain the trade; but he thought that it would be a beneficial one, and he was content to abide by the restriction. There was only one more point upon which he would take up the attention of the House; and that was the subject of the strength of beer. A gallant admiral speaking of the quality of porter, had said, that if beer were brought back to the strength which it boasted in his younger days, he should be content. It appeared by the books and records of the Excise, that the beer now made and sold in London was stronger by 25 per cent than that made 20 years ago. The hon. gentleman sat down by observing, that six parts in seven of his trade was in free houses. Referring to the alleged want of sufficient competition, he wished that the hon. gentlemen complaining would themselves become competitors.

Mr. *Calvert* believed, that the right hon. gentleman was satisfied with the competition existing in the country, but not with the degree in which it existed in the large towns. He (Mr. C.) thought the reverse was the fact. In many parts of the country he knew that brewers commanded an entire monopoly in their own neighbourhood, shutting out competition entirely. He had himself frequently communicated with magistrates upon the subject, and had suggested that such extensive influence ought to be restrained. If he were one of the magistrates, he should feel it his duty to see that a competition really did take place. The licensing system was open to many abuses, and he would lend any assistance in his power to remedy them.

Sir *J. Sebright* said, that the licensing system, as it existed, produced the worst effects, not only on the public-houses themselves, but on the morals of those who frequented them.

Mr. *Bennet* felt himself bound to acknowledge, that he received the most liberal assistance, in 1819, from Mr. Buxton. In performing this act of justice to his hon. friend, he should take the opportunity to state, that he fully agreed with him as to the effects of competition. At the same time, he must express his belief, founded upon evidence, that a great part of the metropolis was portioned out among the brewers, and that a brewer applying for a licence in it destroyed every thing like fair competition. Indeed, it appeared, that when a brewer and another party applied for a license, the brewer obtained it from his rival, on the ground of being a known and responsible person. With regard to the introduction of a clause into any future act, prohibiting brewers from purchasing public-houses, he deemed it to be totally impracticable; inasmuch as public-houses might still be purchased for them on trust. The point principally to be attended to in London, was the prevention of disorder in the different houses and the placing them under some specific control. With regard to the country, he must say that there was scarcely a free house in any village. They were all in the power of the brewers, who drenched their

wretched inhabitants with all kinds of vile poison. The only way to remedy the evils of that part of the system was, to allow every individual to sell beer as they might bread. It was said, that the alteration of the present system would tend to the destruction of much private capital embarked in the trade. If that were the case, he would prefer giving a fair compensation to the injured parties to continuing the present system, which was as detrimental to the morals as it was ruinous to the health of the common people.

Mr. *Calvert* trusted that his hon. friend would do the same justice to him as he had done to the hon. member for Weymouth.

Mr. *Bennet* had great pleasure in stating, that nobody had been more anxious to correct the abuses of the licensing system than the hon. member.

Mr. *S. Whitbread* defied any man to say, that the firm with which he was connected had ever used any improper means to obtain licenses. He could assure the House, they would willingly consent to any prospective measure that would tend to keep the trade open. He thought that any act of parliament would be advantageous to the public which should prevent brewers from holding the licences of public houses.

Mr. *Monck* was an advocate for having the trade in beer more open, at the same time, he would not deprive the brewers of any of their existing rights and interests. He thought that the magistrates ought to be deprived of a great portion of the discretionary power which they exercised at present in the licensing of public houses, inasmuch as it was in consequence of that discretionary power that so many people were obliged to drink bad beer, and at the same time to pay a most extravagant price for it. He had that morning received a letter from a physician at Bath, whom he had known for 30 years, in which that gentleman imputed most of the diseases prevalent there, and especially the colic, to the bad beer drunk there. He was glad to find that the licensing system had attracted the attention of the hon. member for Shrewsbury; and still more glad to find that the House generally seemed to be of opinion that it stood in need of amendment and alteration.

Ordered to lie on the table.

AGRICULTURAL DISTRESS REPORT.] On the order of the day for going into a Committee on the Report of the Committee on the Agricultural Distress,

Mr. *Ellice* assured the House and the noble lord, that after what passed on this subject on a former evening, he would not have interrupted the course of these proceedings, if he did not feel himself called upon, after the most mature consideration of the various resolutions on the table, to take the opportunity of protesting against them all, by now opposing the motion for the Speaker leaving the chair. He certainly would have abstained from this opposition, if he conceived there was the slightest chance of any amendment, or modification of the propositions in the committee, according to the prevailing opinions, or he would rather say prejudices on this important subject; but as no improvement was likely to result from them, in the present system of the corn laws, the wisest course, appeared, to him, not to touch that which it was not intended to improve, and which there was in some quarters a pretty obvious disposition to render more injurious to the public interest. The noble marquis proposed to debate first in the committee, his resolution relative to the advance of a million on bonded grain, protesting against going into the general discussion; but this opened the leading points in the general question, and those to which evidently the greatest importance was ascribed by ministers and the committee—the effect of the proposed advance from the Bank on the currency, and the price of grain. It was not now disguised, the sole object sought to be obtained was, a forced advance in the value of agricultural produce. On the appointment of the select committee he had stated his apprehensions, that all other considerations would be neglected. When he found his apprehensions realized, on their report he ventured to recommend to the House the greatest caution, before they embarked in the senseless and desperate expedients proposed in it. After having listened with the utmost attention to all that had fallen from the noble lord on the former evening, and the different gentlemen who had spoken in the course of this debate, his conviction, if possible, was confirmed, that no possible good could arise to the agricultural petitioners, and infinite mischief might be inflicted on many other interests, by the adoption of the measures before them. His duty, therefore, compelled him to attempt, at least, to arrest the course taken by ministers, by opposing this further progress of the committee.

He would not enter into a detailed consideration of the various resolutions on the table, involving the most opposite and contradictory opinions and principles, and he scarcely knew whether either, so entirely did he object to all, could be called better or worse than those of the noble lord. The same fate would probably attend whichever the House in their wisdom might adopt. The bill would remain a dead letter on the Statute-book, as another proof of their fever for legislation, and of their perpetual reliance on temporary and pernicious expedients, to arrest the necessary effects of great and obvious causes, which gentlemen carefully and studiously kept out of view; until a bad harvest brought the provisions of the act into operation, when parliament would be as ready to repeal, as they were now to enact them. Of all the resolutions before them, those of the hon. baronet, the member for Somersetshire, were the most monstrous. He (Mr. Ellice) concurred, in principle, with those of the right hon. gentleman (Mr. Huskisson), and of his hon. friend, the member for Portarlington; but he could not bring his mind to sanction the conclusion at which either arrived. A certain protection, looking to the peculiar taxes which affected the farmer, until these could be repealed, or thrown generally on the community, might be necessary, and some regulations to prevent a sudden inundation of foreign corn, beyond the wants of the country at particular periods. The latter evil was caused by the present state of the law, which certainly, so far, his hon. friend's proposition would counteract; but no grounds had been laid, or proofs brought forward to establish the claims of the agriculturist to the enormous protecting duty of 20*s.*; and when he reflected, that the price of grain in other countries did not greatly exceed this amount, he could not consent to impose so great an additional burthen on the consumer, in a period of scarcity, when the proposed law could alone come into operation.

The whole question resolved itself into this—What temporary protection could be given to the farmer, consistently with the equal interests of other classes of the community? In looking at this, they must take into consideration what was the present state, and likely to be the probable state of foreign markets, and what was the present, and probable future state of our own? The price of grain in England and on the continent, previous to the late war, was generally nearly the same; and as often higher as lower. Under the regulations existing at that period, any great difference was soon adjusted, either by an exportation of our surplus, or an importation of our deficiency, to meet the wants of our neighbours, or our own. At present, in all other countries, the price had again returned to the former standard of about 40*s.*: while here, although the average in the gazette might be under 50*s.* in consequence of the large proportion of the late harvest damaged by the wet season, good sound bread corn had never been cheaper in the great markets than 55*s.* and 60*s.* This was at least 25 per cent higher than in any other country in the world. The price of bread in London was actually one half dearer than in Paris; and yet such was the state of things of which the English grower complained, and the only remedy the propounders of the present measures could devise for his distress, was, an attempt to augment this already singular difference, and to throw the burthen off his shoulders upon those of the consumer! At all events, if they were to adopt the principle of these measures, let the House understand the extent to which it was supposed its application could be carried. The noble lord should distinctly state the rate at which, in his opinion, it would be desirable, and just, both to consumer and grower, that the price of corn should be maintained in ordinary years though there the folly of attempting to regulate by legislation that which depended so entirely on the fluctuation of seasons met them at the outset. On the former occasion, which gave rise to the present law, of the inadequacy of which, although under it they had enjoyed an absolute monopoly, the agriculturist now complained, 80*s.* was the rate on which their proceedings had been founded. Taking into calculation the alteration of the currency, 55*s.* to 60*s.* was now equal to 80*s.* at the former period. Would that satisfy the agriculturists, even if they could assure it to them? The answer was obvious: that was now the price, and the complaint in the petitions on the table was, its total inadequacy to enable them to pay present rents and taxes. [Hear, hear.] There he agreed with them; they came there near the root of the evil. Both must be reduced, but

the reduction of the former would do little good, without a large repeal of the most oppressive taxes; and that, and not a futile and useless attempt to raise artificially the price of corn, should be the object of the country gentlemen. What protection could do more than the absolute monopoly the present law secured to them? And odious as it was in principle and oppressive as might be its provisions, he would rather leave them to the full enjoyment of it, until a change of circumstances should render its total repeal necessary, than consent to any aggravation of it, by adopting either of the propositions now before the House.

It was curious, and not uninstructive, with respect to their present proceedings, to take a retrospective glance at the course in which the legislature had gradually embarked in an attempt to prop up the landed interest, by sacrificing to it all the principles on which the corn trade ought to be regulated in a commercial country, if, indeed, the true policy was not to leave it entirely free. Every succeeding enactment since the first, or at least the first imposition of restrictions in modern times, had been progressively unjust, until they had arrived at such a state of delusion on the subject, that even his hon. friend, the member for Portarlington, the able advocate of free trade, had consented to clog his resolutions embracing that principle, with a duty totally destructive of it in effect, and within 4 or 5*s.* of what had been considered absolutely prohibitory, as late as 1804. Without going further back than 1773, when the price of wheat was very high, 60*s.*, if they referred to the law of that year, they would find the only regulations were a permission of free import when the average exceeded 48*s.*, and of export when it fell to 44*s.* The next alteration came in 1791, when the price was 49*s.* By the statute of that year, a duty was imposed of 2*s.* 6*d.* when the average was 50*s.*, only 6*d.* when it rose to 54*s.*, and under 50*s.* for the first time, a prohibitory duty, as it was called, of 24*s.* 3*d.*, although looking to the prevailing feelings and opinions of the present day, that was considered a very moderate imposition. The Bank stopped payment in 1797. The price of corn naturally rose with the first depreciation of the currency, with that of all other commodities, and in consequence of the two bad harvests of 1800 and 1801, reached the enormous and before unheard of rate of 120*s.* In 1802, 1803, and 1804, a more abundant supply reduced it to 65*s.*, still an unusual price, but the land owner accustomed to that of preceding years, forced the legislature again to interfere for his protection. The principle adopted in the previous bill of 1791, was still pursued; 2*s.* 6*d.* duty was imposed on importation when the average should be between 63*s.* and 66*s.*: 6*d.* when above 66*s.*, and the old, and still considered as such, prohibitory duty of 24*s.* 3*d.* attached when the average was under 63*s.* Committees were subsequently appointed in 1810 and 1814, and although their recommendations were not acted upon by the House, they were framed in the same spirit, which distinguished all these proceedings, the proposal being at that time to devise regulations by which the price of wheat should be permanently maintained at the enormous rate of 100*s.* Lastly came the bill of 1815, prohibiting importation while the average was under 80*s.*, and as if this was not sufficiently oppressive to the community, the house were called upon again to legislate; let it also be kept in view, by the party supposing themselves aggrieved by the low price of produce, and with the sole object, not implied, but openly avowed by the supporters of the present measure, of enhancing its value. Was this just, under the present circumstances of the country? Was it practicable, even if just and expedient?

In his opinion, their time would be much better employed in investigating the causes of the present distress, with a view to some efficient remedy, if that was within their power than in discussing propositions, from which it was scarcely possible to imagine any practicable or useful result. What, then, had brought the country into its present situation? The progressive depreciation of a paper money, by which prices had been gradually augmented, in proportion to the calls of an almost overwhelming taxation during the late war, and an attempt, on the restoration of peace, to restore the former currency, which had in the same manner again reduced the value of all property without any proportionate reduction of the demands of the tax-gatherer or other creditor. The country gentlemen and farmers, with all proprietors or capitalists, whose capital was engaged in property, had gone on on the same scale, and their wants had been supplied from the same sources, as those of a profuse government. Their engage-

ments had increased in proportion to the artificial and temporary advance in their rents and value of their property, as the public debt had been increased according to the nominally increased means of the country, and they were now both left to face these engagements, with their means reduced one half, either by the actual improvement of the currency, or the effects resulting from it. According to Mr. Colquhoun, (and his calculation was confirmed by the returns of the property tax,) the rental of England in 1813, when corn was at 90*s.* and 100*s.*, and every species of farm produce at double its present price, might be taken at 43 millions; the farmers profit according to the rule laid down for their assessment to the same tax at 32, together 75 millions. If 75 millions was the profit on the agricultural transactions of the country under such circumstances, what must the result be now, with scarcely any reduction in the amount of charges, proportioned to former prices? If the rent was rightly calculated at one-fifth of the gross produce, and the gross produce had fallen a third, or a half, it was obvious a sacrifice of the whole rent would not remedy the evil. It was impossible to predict what might be the consequences of a continuance of the present state of things. Certainly, neither the present, or any former measures brought foward by ministers, were calculated to dispel the alarm, which the prospect before them naturally excited.

If they referred back to various periods of our history, they would find the prices of corn had been necessarily affected in the same manner by the same cause. Shortly after the Revolution, between the years 1693, and 1699, the guinea was worth 30*s.*, the ounce of gold 6*l.* 5*s.*; the price of corn then rose to 60*s.* The currency was reformed in 1700, and between that year and 1708, the average was again reduced to 32*s.* and 35*s.* Although considerable difficulties ensued from such changes, the transactions of the country, and its population were on a much more limited scale, and there was no national debt, to require the imposition, or render the continuance of taxation necessary to so disproportionate an amount, after the value of the currency had been augmented. Great care was also taken to relieve as much as possible embarrassment to individuals. The debased money, for there was then no paper currency, the exact depreciation of which could not be ascertained, was taken at its full amount in payment of taxes, and every measure adopted to prevent more inconvenience than was unavoidable to the public.

But he would ask hon. gentlemen who advocated the expediency of the present measures, whether they were prepared to extend their protection to all other articles of produce foreign or domestic, equally depressed, and how they would propose to ensure a remunerating price for them? They must be also anxious to restore former prices for cattle, wool, timber, bark, iron, and other articles in which they were interested. The colonist had an equal claim to some legislative protection in favour of his produce, which had been most strangely depreciated in the same manner, and at the same moment. All staple articles of our manufacture, the produce of other countries were in the same situation—cotton, hemp, flax, silk, and tallow, had fallen from 50 to 100 per cent. Could his hon. friend, the member for Portarlington, produce any proof to satisfy them that over production was the cause of all this depression? He was not disposed to dispute the grounds on which he had stated his opinion, that some allowance should be made for the effect of one, or a series of abundant crops, and for other causes affecting the transactions of a great country, arising out of the protracted war in which they had been engaged. But the true evil and paramount cause of these changes was the paper system, with its perpetual fluctuations, to suit the convenience, or profligacy of the government. Without entering into many details, he would state to the House what these fluctuations had been; and they would then be able to judge how far the effects had been proportioned to the cause he assigned for them. Since the enormous and unlimitted issues of later years, who, indeed, could form a satisfactory calculation, or who could pretend to foretel till we had experienced them, all the effects to be still felt from the restoration of the standard? Putting entirely aside the index of his hon. friend, the member for Portarlington—the price of gold as a commodity, which was now less in vogue—it appeared to him a rational estimate, and their effects could only be deduced from the influence of the contraction and expansion of the paper currency at particular periods on general prices. Let the House then subject the

fluctuations which had hitherto been so remarkable to this test. In 1809, Mr. Horner found the Bank of England paper suddenly increased $1\frac{1}{2}$ millions, which was followed by an increase of three millions of country paper, forming together a greater addition to the circulation of this country, than the produce of the American mines had added in the same period to the general circulation of Europe. In 1810, after this addition, the Bank of England paper was only eighteen millions, and supposing the amount of country paper, which he believed would be generally found equal to that of the Bank, the same, the whole circulation of the country amounted to thirty-six millions. Mr. Horner estimated the depreciation at fifteen per cent, nearly the difference at the time between the market and mint price of gold: but he distinctly says in his report, that he doubted whether this could be then considered a fair standard of depreciation, and that he was certain the price of gold must entirely cease to be so, if the uncontrolled issue of paper should be carried to a much greater extent. The uncontrolled issue, however, proceeded steadily increasing till 1814, when the Bank of England notes had advanced to twenty-seven millions, and the country notes according to the former proportion, in an equal ratio; forming together an amount of currency in circulation of fifty-four millions. At last, in 1818, it increased to the highest amount known in the history of the system, and arrived at the enormous extent of thirty millions of Bank notes, and, on the same scale, thirty millions of country notes, together sixty millions; and because, while prices of other articles invariably rose the price of gold owing to particular circumstances, capable of easy explanation, happened at the precise moment, when the amount of paper was most excessive, to be only 3*l.* 18*s.* the effect of the necessary reduction of the paper currency, previous to the restoration of the former standard, on all the transactions of the country, was to be measured by 2*d.* per oz. in the value of gold! At least, this was the doctrine of the committee; and the country were now deriving full benefit from this great effort of their wisdom and experience!

But, to take another view of this subject. Look at the enormous and otherwise unaccountable advance, exclusively in this country, at least to an infinitely greater degree than in others, of all commodities, during the rise and progress of the system, and the rapid decline since the restoration of the old currency. So far from corn being the only article which had fallen, he should be glad to be informed where an exception was to be found to the general depreciation? In 1813, the prices of all staple articles of manufacture or consumption, foreign or British arrived at nearly their highest point, and were from 50 to 100 per cent invariably above the rates both of 1790 and 1822. Did this ever happen during any former war, or at any former period of our history, except where the same cause, a debased currency, led, in particular cases, to the same results? In 1815, at the termination of the war, the chancellor of the exchequer made an attempt to repay the Bank advances to the public, that they might withdraw part of their paper and resume their payments in specie, and certainly that was the fit moment, if it ever was expedient to return to the old standard. What followed? The distress of 1816, and the remedy of that distress—the re-borrowing and re-issuing the former amount of paper repaid and withdrawn from circulation. The right hon. gentleman put an additional guinea in the pocket of every person in the kingdom. There was no doubt the same measure now would produce the same relief. Would the right hon. gentleman venture to propose it, or was it possible to increase the present paper currency one-third or a half, to restore the amount of 60 millions in circulation in 1818, and to continue in operation the provision of his right hon. colleagues bill in 1819? The loan from the Bank in 1816 led gradually to the over-issue in 1818, and the measures in contemplation of the resumption of cash payments in the end of that year, and finally the report of the committee had led to the present contraction; so that the country doomed to perpetual disease under the hands of these physicians, suffered in turn from the alterative system prescribed for it. From the end of 1818, putting one pound bank-notes, and gold, on both sides, out of the question, the Bank of England circulation had been reduced about a third, and from the best calculation the country paper a half, and still the effect of all this, according to the *dictum* of the hon. member for Portarlington, was to be estimated in proportion to the difference of 2*d.* in

the ounce of gold! And it must also be observed, that the same amount of currency being absorbed at both periods in the transactions of the revenue, and payment of dividends, how infinitely less that proportion must be, which was left for the general circulation of all other transactions. It was said, that taxation had nothing to do with the distress. Was the same taxation as easily paid with 30 or 35 millions of currency, as with 60? This was the main and paramount cause of all the distress, and either paralyzed equally all interests of the country, or threatened them at no distant period with the same consequences which were now felt by our agriculture. It was a mistake to suppose, the least caution had been observed, in preparing for the change in the currency. He had already stated the issue of paper was most excessive in 1818; since which time it had nearly been reduced one-half.

The noble marquis, had in the course of his recent observation on the state of the country, talked of our commercial prosperity; but certainly he was the only authority from whom he had been able to collect such an opinion, either connected or unconnected with that branch of our industry. On the contrary he believed no class had suffered so much from the great cause to which he ascribed, not the ruinous situation of the country, for to whatever results these wretched measures might lead, it was scarcely in the power both of legislature and government to exhaust our immense resources, but the general and most unjust derangement which had been produced in the relative situation of the industrious and unproductive portions of the community. Could the noble lord communicate to the House from what source he derived his information, that the ship-owner, the tradesman, the foreign and colonial merchant, the importer or exporter of domestic or foreign productions, or the general dealer in our home market, were now carrying on their business with profit? As far as he had access to persons of all descriptions, the answer to inquiries on this subject was universal: We certainly are carrying on our business with no profit or rather to a loss, but with the same vague expectation which encouraged the farmer to persevere, that the times would mend. The situation of the merchant, who in the ordinary course of his business had extended his transactions, exporting the productions of this country, or entering into engagements on the faith of his usual returns from the colonies was peculiarly deplorable. His bills must be paid, he could not, like the farmer, ask and wait for an abatement of his rent, and the returns for his exports, equal in quantity to the amount he had formerly received, were deficient half in value. He could not deduct equally from his engagement, and although from the very circumstances of the case, complaints of this description were not so loud as those of the agriculturists, let not the noble marquis console himself with the idea that they did not exist, or did not bear with an equal it not more severe pressure.

The noble marquis then went on to congratulate the country on the state of the manufacturing interest, and certainly, looking to the accounts before the House on some more reasonable grounds. But even here, if the particular circumstances which had lately occasioned an excessive demand were duly considered, it might be very doubtful, how far all that apparent comfort which prevailed among the manufacturing population, and the prosperity of their employers was likely to be permanent. The right hon. gentleman (Mr. Peel) had truly stated his bill was productive of beneficial results to this class of the labouring population, the invariable effect of an enhancement in the value of money, being immediately to reduce the price of all commodities, before that of labour: but it must be recollected this effect was only temporary, and that ultimately, and at no protracted period the price of labour must adjust itself to that of provisions. He did not mean to say, that in many of the manufacturing districts wages were too high, consistently with the comforts the poor man ought to enjoy, but in the metropolis and in the great towns, there had been scarcely any decline, and wages remained at the same rate, to which they had been raised during the war, while the means of existence had declined one-half. Might not the great increase in the revenue be in some degree ascribed to this? If half the amount formerly required was sufficient for the purchase of necessaries, would not the surplus be expended in luxuries, and unfortunately, and it was a most melancholy consideration, find its way to the ale-house and gin-shop, the ready receivers of the chancellor of the exchequer? If any part of this statement was correct, if the prices of labour and provisions had not yet adjusted themselves,

and if no high profits, which was admitted was the case, resulted to the masters from their trade, must not the attempt be made soon to increase them? Or supposing the demand to decline for manufactures at present price, to endeavour to produce them at a lower cost, by pressing upon the labourer a reduction of his wages? Suppose a material falling off in our exports, what might be the consequence? The late unprecedented and extraordinary demand was to be ascribed to two causes. Great speculations to India and South America, neither of which were likely to answer the expectations of those engaged in them, and a necessity of importing in a short period an immense amount of specie for our circulation. We had imported in two years, at the lowest calculation, about 20 millions of gold and silver. Was that to continue?—and if it was not, what other substitute was to be found, against which we could, to a similar extent, calculate in the same period, an exchange for an equal quantity of our manufactures? Restrictions upon restrictions were heaped upon our import trade, and the wise legislators of the present day supposed, as was proved in the case before them, that we could continue supplying all the world with the produce of our own industry, without receiving any thing in exchange for it. Our home market in the present state of agriculture did not promise an increased demand; our exports were exposed to fluctuation and diminution from the circumstances he had stated. What then would be the consequence if at the very moment when the provisions of the present bill came into operation, and raised the price of all the necessaries of life, the price of labour should be suddenly reduced, and the dangers arising from discontent, be added to a reduction in our revenue and in the sole remaining prosperous branch of our industry? Would any government attempt to force upon a discontented population, under such circumstances, the unjust operation of the present bill?

Looking at the various propositions, it was scarcely possible to determine whether their injustice or perfect inefficacy even for the object in view distinguished them most. While the agriculturist maintained his present monopoly the bill was useless and would remain a dead letter on the Statute-book. If a case should arise in which he supposed he might derive some advantage from its provisions, the state of society was likely to be an insurmountable bar to his attaining it. If they would make the poor man eat his bread at double the price of any other consumer in the world, they must give him the means of buying it, and where were these to be obtained? Only through the exertion of his labour and industry, and if the manufacturer could not employ him at as cheap a rate as his foreign competitor, that would soon fail him. Foreign nations did not purchase commodities from any particular predilection for the country of their production, but where they could be obtained cheapest and best—and was it the precise policy for a country depending almost entirely on her commerce and manufactures, so to advance the cost of production, by enhancing the value of labour and provisions, as not only to encourage competition on the part of other countries, but absolutely to ensure the destruction of her own industry? The price of bread he had already said was now double the price in France and other countries, and there were already indications of this disparity producing its necessary results. An hon. friend of his, the member for Nottingham (Mr. Birch), had informed him, that complaints had very much increased, of the continued emigration of their best workmen—and it was notorious in the capital, that every encouragement was given to our machinists and engineers to embark for other countries. If he was not misinformed, government had also been lately called upon to enforce rigorously, those odious statutes, which prevented the industrious man from carrying his talents and industry to the most advantageous market. To inflict penalties, he would add, the most unjust in our laws under any circumstances, upon persons of this description, was as cruel, as it was likely to be ineffectual:—but to do so, after the passing of this bill, depriving the poor man of his comforts in the first instance, and subjecting him by its consequences, to the risk of finding no employment at an adequate remuneration, was to add the most cruel oppression, to the grossest injustice. If any person had asked him (Mr. E.,) three years ago, whether it was probable America would soon become a manufacturing country, he would have answered, that while the fee simple of good land continued at *20s.* an acre, and there was a moderate market for its produce, few men were likely to abandon a country life, with the hope of independence it held out, for the more

unhealthy and confined employment of a manufacturing one. But, then he could not contemplate the continuance of restrictions which prevented the American agriculturist from exchanging his productions with the British manufacturer to their mutual advantage. The consequence had been the recent establishment of many considerable manufactories in the United States. Spinning mills, with all our improvements, were erected in Massachusetts, where the cotton from the Southern States was spun, the yarn returned to Philadelphia, and then wove into as good and as cheap cloth as we could manufacture. The countervailing duties of about thirty per cent, imposed beyond all the charges on our manufacture, insured a good profit to the American, and the trade had answered so well, that these establishments were rapidly increasing, particularly in Pennsylvania. These were some of the necessary results of measures like the present, and with all our capital and ingenuity, our trade and manufactures must in the end be sacrificed to a perseverance in them. If we continued in this manner to heap restriction on restriction, under the name of protection, all productive industry, as was the case in Holland, must be gradually banished from the country, and our decline would be accelerated, by furnishing to others the very elements to enable them in the first instance to compete with, and under the unsupportable oppression of our taxation, at last, to destroy our trade.

He had already entered much more at large into the subject than he intended, when he first rose to address the House, but he must still add one or two observations on the other projects of the noble lord, and on what he considered the most advisable course for the House to pursue. First, with respect to the advance of a million on bonded corn. It was almost impossible to treat this speculation in a serious manner, but it was necessary to advert to the grounds which had been adduced in support of it. These were, the probability of adding to the currency, and of relieving the farmer, by enabling him to watch a proper opportunity of disposing of his corn, it being alleged that the present low price was occasioned in some degree, by a pressure of produce on the markets, arising from the distress of the agricultural body for ready money. The first ground was too absurd to admit of any argument. Since the restoration of the standard, and the convertability of paper into money, no measure could have the effect of increasing the quantity of currency in this country particularly, which did not produce an equal effect on the general money market of the world—unless to be sure we were driven to another depreciation, a question which it was unnecessary now to discuss. Then, as to relieving the farmer by enabling him to borrow money on a deposit of his corn? Did he now want this facility, or was not the country banker and broker, ready to advance, even on the credit of his possessing the means of repayment, without an actual pawning of his produce? And, if he was to pawn it, which part of his corn was he to pawn? The good, for which there was now a ready market at 55*s.* or 60*s.*, already too high for the interest of the consumer? or the bad, that owing to the condition in which it had been got in, it might rot in the granaries? He had heard it said, why should not such a measure be extended to the relief of the agricultural, which had so often been beneficially applied to commercial distress? The answer was simple. The cases were in no respect analogous. The merchants had applied at different times, when, in consequence of particular events during war, their warehouses were overloaded with colonial produce, or manufactures, intended for markets, then closed to their admission. Exchequer bills had been issued to enable them to meet pressing engagements founded on this property, for which it was impossible to find a sale, but the moment the restriction was removed, and the accustomed markets opened, the relief came, and the advance which, had not injured the community, and in many cases saved the merchant from ruin, was repaid with facility. How could that case be compared with the present? Instead of a scarcity of money; which was invariably the case when the measure was before resorted to, they had now abundance, and there was no complaint on that subject from the agriculturists themselves.

The only remedy then, and he confessed he was not among those who considered it adequate to the evil, but it was all they had in their power in the present indisposition of the House to enter upon the consideration of the effects produced by the currency, was, to require from ministers a reduction of every shilling of taxation which was not absolutely required for the

expences of government, and the payment of interest on the debt. He could not help thinking, if the landed gentlemen would exert themselves to enforce a system of the strictest œconomy, some considerable relief might be granted. In the commencement of the session, they had been told, it was impossible to do more than take off 1s. a bushel on malt, on condition of the plan succeeding for the reduction of the 5 per cents. Since that time, a new light had broken in upon administration, and although they manfully resisted the proposition, that taxation was an evil, they had been compelled to submit to a further reduction of about two millions. To be sure, the plan they had devised to do this, and maintain their own consistency, was one of the most extraordinary description, calculated, unfortunately, to cheat the country, as much as themselves, the latter of which could only have been the intention of the chancellor of the exchequer. His hon. friend, the member for Winchelsea had blamed members for not being in their places to resist this scheme; but he (Mr. E.) was satisfied, from some experience of the House, that opposition to any useful effect was fruitless, and he did not feel himself called to debate such absolute quackeries and absurdities. When this scheme for relieving the present generation of what was called the dead weight was first suggested, he had asked in vain, why the amount of taxation to be repealed could not be deducted from the sinking fund, which must be the case at last? or why, if all this complicated process must be submitted to, to save the consistency of ministers, with those who could be blinded by such clumsy artifices, the profit arising from the transaction, or the expenses to be incurred, might not be gained, or saved to the public, instead of going into the pockets of contractors? The plan, he believed, would be found perfectly impracticable, and that no persons would be induced to undertake such a contract; but as the remission of two millions of taxes was only to be obtained in that way, he was far from advising the House to reject the good part of the speculation. Let the country gentlemen only persevere, and at last they must get rid of taxes to the amount of the annual sinking fund. He had, to be sure, no great faith in the real existence of any such fund; but if it did exist, as was pretended, was it wise, was it prudent, looking to the grievous oppression under which the country laboured, to force the last shilling from the pockets of a suffering population, and which might still be usefully employed in their respective occupations of industry, to add to the already enormously disproportioned profits of the fundholder? As long as a sinking fund could be maintained out of profits, it was a most expedient measure; but would the right hon. gentleman deny that a much larger proportion of the existing taxation was now drawn from the reduced capital, at least in nominal value, of the country? The object of all this was, to raise the price of stock, and to reduce the rate of interest, without reflecting that an useless accumulation of capital, so drained from the productive industry of this, must, when the desired effect was produced, be transferred to other countries for investment. Did the right hon. gentleman hear nothing of the foreign loans, negotiated and negotiating, and was he not aware that every pound unnecessarily exacted by taxation encouraged this perpetual transfer of capital? It was impossible to enter upon the consideration of the particular subject before the House, without adverting to the whole system which had produced so great a convulsion in all our various interests, and which now induced the landed interest to look only for relief from the injurious and oppressive measure under discussion. If the committee had suggested any amendment of the corn law, which was certainly not much better in point of principle than the proposed alteration, he could have willingly lent his assistance in endeavouring to reform it; but when he saw that was not intended, he must protest against any useless aggravation of it. At present the landowner possessed a complete monopoly, with every prospect of its continuance, and his conviction was, that such a scarcity as would require relief by importation, under the provisions either of the present or the intended bill, would compel the House to adopt an entirely opposite policy on this subject, and instead of imposing restrictions, to encourage by bounties a supply for the absolute wants of the people. Great changes must take place in the general situation of the country before another session. It was notpretended that any benefits were likely immediately to accrue to the party seeking them from this bill. In the mean time he had a decided feeling

that the best character which could be given to the proceeding altogether was, its absolute inefficiency either as to good or evil; but when he reflected upon the consequences which had been brought on the country by the hasty proceeding of 1819, he could not but consider the wisest course under present circumstances was, to abstain from all legislation affecting so seriously important and opposite interests, either until an absolute necessity forced us to interfere, or till we had the benefit of further experience, and some fairer prospect of a satisfactory solution of the various difficulties which surrounded us. It was on these grounds he should oppose the further progress of these proceedings.

Mr. *Benett*, of Wiltshire, said, that as he had originated one of those propositions* which his hon. friend had designated as monstrous, he thought himself called upon to defend it. His hon. friend had also been guilty of one or two errors in his statement, which it was important to correct. The last returns stated the average price of wheat to be 44*s*. 7*d*. His hon. friend had taken it at 55*s*. Now the price of corn being so much lower than his hon. friend had stated it at, the situation of the agriculturists was really much worse than his hon. friend had imagined. His hon. friend had said, that the corn bill had given a monopoly to the land-owners. Now, when the ports were opened, they had been glutted with a supply of foreign corn that had lasted four years; and the fact was, that for the last three years, even the corn bill had not given the land-owners a monopoly. The extent of that importation might be judged of, from the increase in the exports of corn from Ireland alone. The quantity of corn, reported as of Irish growth, and as exported from Ireland, could never have been grown in that country: for, during the four years he had mentioned, the accumulation of corn imported from Ireland was as sevenfold; and what was still more remarkable, the accumulation of flour imported from the same quarter was as elevenfold. If the corn had been grown in Ireland, the traces of increased cultivation must have been visible. But where were they to be found? If the flour, again, was really Irish, mills must have multiplied throughout that kingdom in a very surprising degree. He had never heard that such was the fact. Perhaps he should be told, that much of the pasture land in Ireland had been converted into arable; and that the imports of pigs, bacon, butter, and cheese, had decreased in proportion. This, however, was not the case; for they, also, had very considerably increased during that period. He perfectly agreed with his hon. friend, that the proper and effectual relief to be afforded to the agriculturists must be a remission of taxes. Much had been done in this way; but much more remained to be effected. Even these remissions would not entirely effect the object.—They could not relieve the country from the poor-rates, or from the tithes. He must defend the proposition which he had made in the committee. The duty he proposed on imported corn, was 3*d*. lower than the duty of 1792. For his own part, he had not desired any monopoly; his anxiety had been, that the ports should be always open, and that the country might get rid of the corn law, and all its horrible and odious attendants. The House had shown itself always extremely anxious to protect at all events, the consumers of corn. Now, who were the consumers? The farmers, the labourers, and the manufacturers for home consumption. These were the consumers; and their best interests were bound up in the general interest of the country. What was the reason that the manufacturers were now in distress? Because the home trade was now, as it ever had done, following the distress of the agriculturists. What had gone to

* The following are Mr. Benett's proposed resolutions:

1—"That it is expedient to provide, that the foreign corn now under bond in the United Kingdom may be taken out for home consumption, whenever the average price of wheat, ascertained in the usual mode, shall exceed 80*s*. per quarter; and the trade in corn shall thenceforth be permanently free, but subject to the following duties upon importation; viz.

Wheat	24*s*. per quar.
Rye, pease, and beans	16*s*. ditto.
Barley, bear, and bigg	12*s*. ditto.
Oats	8*s*. ditto.

2d.—"That a drawback or bounty be allowed on the exportation of corn to foreign countries:

On wheat of a marketable quality	18*s*. per quar.
Rye, pease, and beans, ditto ..	12*s*. ditto.
Barley, bear or bigg ditto......	9*s*. ditto.
Oats, ditto..................	6*s*. ditto.

"And that such drawback or bounty, in like manner as the importation duty, be fixed."

ruin the agriculturists, had gone to ruin them. There was, however, one class of consumers, who had profited by the fall of prices of agricultural produce: he meant those who lived by the interest they made upon their own money, and who most profited by the bill of 1819, to which his hon. friend had attributed all the distresses of the country. His hon. friend had often expressed his feeling for them: but for himself (Mr. B.) he had no feeling whatever for them. The value of their money had risen, as the price of produce had fallen. He knew not whether the depreciation of the currency operated in the ratio of 10*l*. per cent or of 40 per cent; nor was he anxious to enter upon that discussion, because he feared, that while every gentleman ran away with some favourite theory of his own creation, the interests of the country were likely to be sacrificed. Much, unquestionably, of the existing distress was owing to the late war. During its continuance, we had been living on loans, and spending money which we certainly had no right to touch. The consequent increase of the currency had produced an artificial trade, which vanished with the return of peace, and the diminution of the currency. Besides all this, the country had certainly not returned so speedily as it might have done, to a peace establishment; and that delay had been a serious blow to the already dilapidated finances, and to the general prosperity of the country. The next blow we received was an enormous and overwhelming importation of provisions from foreign countries, which importation was not at all called for by any wants of this country. This last circumstance bore most severely on our agricultural interest. A third blow was given by the alteration effected in our currency.—The proposals which parliament was now to be called upon to sanction, were; first, the loan of 1,000,000*l*. on exchequer bills for the purchase of corn, the produce of our own soil, to be warehoused under particular regulations. Upon this he should reserve what he had to say till the House should have resolved itself into a committee. The second proposal referred to the relief to be afforded by remitting 1,800,000*l*. of taxes. If he was not exceedingly mistaken, he had, upon more than one occasion, heard the noble marquis assert, that it was idle to expect any relief from the remission of taxes. He was glad to find him in a different opinion. The next proposition or resolution rather, was, to the effect, that the only fair protection for the home grower consisted in the imposition of a fixed duty upon imported corn, equivalent to the amount of the existing taxation on its production; and this had ever been his (Mr. B's) own principle. His hon. friend had called this a monstrous proposal on his (Mr. B's) part, as if it extended too high a protection to the British agriculturist. Now, several hon. members, with whom he had conversed upon the subject, considered it to be too low. He had no hesitation to name the prices which he considered to be fair, and likely to afford the desired protection. He was, then, in regard to corn, only anxious that the grower should obtain such a price as would meet the rents as they stood in 1792. It was not, therefore, too much to say, that the land-owners should receive now, the same money amount of rent as they received in 1792. In order to show that this amount would not be too great, gentlemen must first assume the gross value of the produce of a farm, and then they must ascertain the value of the rent. To get at the value of the produce, they could not do better than to fix an average price of corn; for by the price of that commodity, the value of all other produce must be regulated. The average price of wheat for 10 years preceding 1792 would amount to about 6*s*. 3½ per bushel. Say that the whole produce of a farm was 2,000 bushels, they would produce, at 6*s*. 3½*d*., 627*l*. 3*s*. 4*d*. Now, the most eminent land surveyors in 1792, allowed one-third of the gross produce of the farm, as a fair rent to the landlord. One-third of this gross produce, therefore, would be 209*l*. 1*s*. 1*d*. Now, wheat at the present moment might be taken at 8*s*. 4½*d*. per bushel. The gross produce of the same farm, 2,000 bushels at 8*s*. 4½*d*., would yield 837*l*. 10*s*.: of this amount one-fourth must be taken for the rent; the same surveyors who gave one-third as a fair proportion in 1792, giving one-fourthh only in 1822, owing to the increase of taxes including the poor-rates, for which such an allowance was to be made as must affect the calculation to that extent. One-fourth of 837*l*. 10*s*. would give 209*l*. 7*s*. 6*d*. for the rent proper to be paid in 1822, being only higher by 7*s*. 6*d*. than that which was thought fair in 1792. Consequently, 2,000 bushels of wheat, now at 8*s*. 4½*d*., would afford the grower no higher remu-

neration than the same quantity at 6s. 3½d. in 1792. The principle laid down by the hon. member for Portarlington was, that the growers were entitled to a remunerating price in proportion only to the increase of rents. Now, all that he (Mr. B.) asked for was a protecting duty of 24s. Every body would, in fairness, admit that the landowner was entitled to a higher rent now than in 1792, because of the increased taxation; but the fact was, that he did not ask for a higher rent. He would not do so, because he anticipated a very great reduction of taxation, and it was for the landlord to look for his relief from that circumstance alone. He should not be surprised if, the very moment the ports should be opened, 500,000 or 600,000 quarters of corn, should be immediately brought into this country. That importation would carry at least 700,000*l.* or 800,000*l.* into the Treasury, and would thus enable the government to relieve the people from a part of their present burthens, and place them in a situation to pay the British grower a protecting price. When he saw some of the greatest land-owners in the country affected by the general distress of agriculture, and knew that he must depend solely upon the value of the land and the produce, he should advocate any proposition which might tend to restore them to their former flourishing condition, more especially as he conceived their prosperity to be intimately connected with that of the state. He was anxious to correct an ill-feeling that had gone abroad, with respect to the power of landlords over rent. They had been accused of racking rents as high as they could: but every country member who heard him knew that that was impossible. Human nature was always the same. The landlord naturally strove to get the highest rent, and the tenant endeavoured to reduce it to the lowest proportion: but it should not be forgotten, that the theory of rents was this—the purchaser made the price, and not the seller. When to this consideration the House added the local attachments both of landlords and tenants, they would see that the charge was of a very improbable nature. One of the finest farms in Somersetshire, which had let but a very few years ago for 1,400*l.* per annum, had since been rented at 700*l.*, and was now untenanted, for nobody could be induced to take it. Instances of the same sort had occurred in Wiltshire. This state of things would, in the end, occasion high prices. But, for whose benefit? Not for the farmers, but for the merchants and the foreigners, at the expense of the agricultural interest. The farmers would then be told that they should be content, because they had a high price for their corn—but by that time they would have no corn to sell. He wished it to be understood, however, that nothing would benefit the country, without a reduction of taxation. That reduction would enable the farmer to supply the home market, at a much lower price than would now remunerate him.

Mr. *Monck* contended, that the distresses of the country were mainly imputable, not to low prices but to high taxes. None of the recipes of the five or six state physicians made, therefore, an approximation to the true remedy. Every corn bill was intended to benefit the agriculturists at the expense of the other classes; and instead of looking at the present low price of grain with dismay, it afforded him sincere satisfaction, because it would compel country gentlemen to do their duty to their constituents. The existing corn bill gave a complete monopoly. What were called its defects did not injure the farmers, and were a great benefit to the consumers. Dr. Paley had considered the uncertainty of crops and seasons as a providential ordinance, because it prevented the landowner from extracting the last farthing from his tenant. He (Mr. M.) was, however, decidedly of opinion that there were no bad seasons: one county or one country might produce less than another, but the gross produce of the world was always the same, and a perfectly free trade in grain ought therefore to be established.

The House having resolved itself into the committee,

The Marquis of *Londonderry* rose to call the attention of the committee to his first resolution. He should do injustice to the agricultural committee, and injustice to his own opinions, if he did not desire it in the outset to be understood that he was not prepared to justify the proposition upon general principles: it was only to be tolerated as an exception to them, and employed as a temporary law. It would, he conceived, be nothing but pedantry, to say that no case had arisen, or could arise, in which they might not be relaxed. The hon. member for Taunton (Mr. Baring), in a former session,

had proposed a departure from them as a permanent part of the corn laws, when he suggested the employment of a capital of three millions, in order to keep up a stock of corn in the national granary, that might be replenished from time to time. The agricultural committee had had two distinct propositions under their consideration—the one, the application of a sum of money, not exceeding a million, for the purchase of corn by an agent of the government—the other to give encouragement in some mode afterwards to be considered, not by purchases to be made by an agent of the government, but by individuals acting with a view to their own interests. They would come into the market as ordinary purchasers, with a portion of capital advanced to them on moderate interest, or having an allowance in the nature of a bounty, to be applied towards covering the expense of depositing the corn, which they might subsequently sell at a profit. After a very full discussion, the first proposition was laid aside, without any reproach to the hon. gentleman who suggested it, because the hon. member for Taunton had contemplated a similar project as a permanent measure. The committee did not think that even the exigency of the present moment warranted government in putting forward a purchaser, who was to buy corn when it was cheap, and to sell it when it was dear. Such an agent would drive all other speculators out of the market, for it would be impossible to compete with an individual, whose purchases were not contracted or limited by any view to his own interest. It was thought that it would be a most active corrective, but purchased at too dear a rate. Looking to the other principle, the committee had been of opinion, that some relief might be afforded by a permissive, not a compulsory measure. That strong distinction was taken: a million in the hands of a government agent might be looked upon as a compulsory measure; but in the other case, the money would not be laid out unless the individual thought that his own interest would be advanced by the speculation, by selling again afterwards at a profit. The committee found, on examining the quantity of corn sold in some of the markets, that last year, in the early months, it was nearly double what it had been in the corresponding months of the preceding years. Hence a superabundance of produce was inferred, aided by the wants of the farmers, who by coming to the market in such numbers, rendered it very ruinous to the markets. —As to the possibility of permanently raising the price of corn by any system of laws, he believed that notion was nearly exploded. The present measure neither could nor would raise the average price throughout the year; but it would have the effect of making a more convenient distribution of the supply. On a former night he had said, that the subject had received much attention from government, but ministers had laid it aside, under the impression that they would not be justified in bringing it forward as a measure of relief. They were led to believe that the country was not distressed so much from a want of capital, as from a want of conviction in the minds of those who possessed it that it could be advantageously employed in speculations in corn. There was besides another plan which ministers had thought would give more encouragement to parties storing grain: they preferred giving a small monthly amount on the corn stored. He had distinctly stated, that he brought forward that measure in preference, because it had more activity of encouragement in it. Ministers at that time were rather looking for the means of locally applying funds, which funds they conceived existed and were not applied; and they thought that four millions thrown into circulation would afford of itself a means of purchasing corn, and thereby afford relief to the agriculturists. They thought that the monthly allowance, though it would not amount to a premium to force speculation, would nevertheless cover the expenses of warehousing, and the interest of money, and thus tempt individuals to make speculations in grain. It was due to the committee to remark, that this permissive measure, if it did no good, could do no harm. The plan held out no inducement to any one to embark in an improvident speculation, if he thought the market was not likely to rise; if it were likely to rise, then at the time of the greatest glut purchases might be made, which, with the assistance proposed, would render a profit at a later period. He had not voted for this measure in the committee, nor had he supported it with any warm tone of argument. He would say, however, that on the present occasion he felt no repugnance in offering it to the fair consideration of the committee of the whole House. He

had learnt from gentleman connected with the landed interest, that whether right or wrong, this was the proposition which the farmers themselves thought would do good. Upon these grounds, he had felt himself justified in bringing it forward, and would move, "That his majesty be enabled to direct Exchequer bills, to an amount not exceeding one million, to be issued to commissioners in Great Britain, to be by them advanced; under certain regulations and restrictions, whenever the average price of wheat shall be under 60*s*. per quarter, upon such corn, the growth of the united kingdom, as shall be deposited in fit and proper warehouses."

Mr. *Curwen* felt that there were great objections to the measure in point of principle, but he did not see why it might not be adopted as a permanent means of relief in times of distress, as he conceived that much advantage might result from it. A time could scarcely arrive when the demand and the supply would be equal; and in years of abundance the scheme would hold out an important inducement to speculators in grain. It was quite idle to hope, that a time would arrive when there could be an export trade in grain, the growth of this country. As a measure of relief the proposed plan could do no possible harm, and might be productive of some good. It had been stated, that all these measures were intended to benefit one part of the community at the expense of others. Now, he would ask what could be done to assist the grower of corn that would not be useful to all classes of the community? These measures were not intended for any particular class. The effect of them would be, to induce the cultivator of the soil to sow a sufficient quantity of corn for the use of the population, which was by far the cheapest mode of subsisting the country. The production of corn ought to be viewed with reference to the real wants of the country. If they did not proceed on a system of protection, they would destroy their own agriculture; and then the country would be at the mercy of a few interested merchants. The great object of parliament ought to be, to render the country independent of foreign corn, and at the same time to afford the consumer an opportunity of purchasing it at a cheap rate. He would always support the principle, that they ought to rely on their own produce for consumption, instead of depending on foreign states for the necessary supply. Some gentlemen argued, that it was better to throw the ports open, and to encourage a free trade in corn. But, if that course were taken, what was to become of the great body of agriculturists? He might be told, that agricultural capital would find its way into other channels, and that greater exertions would be made by the manufacturing interest. He was of a different opinion. Such was the power and perfection of machinery, that the whole world could be supplied with manufactures, wrought by the number of hands who were now employed. How could amends be made to the country, if the corn trade were thrown open, for the loss of labour which must necessarily follow? There was not one individual who would be thus thrown out of employment whose labour was not worth 40*l*. per annum; and thus the country would be subjected to a loss of 40,000,000*l*. a year. The produce of all countries was so much increased as to threaten danger to the agriculture of England. If the ports were thrown open, there would not be a mere supply of corn for three weeks. No: a supply for six months would be poured in at once. He did not ask for great prices, but he wished to see them reasonable and steady. He merely asked for those prices which would keep the country in a state of cultivation; condemning, as he did, the throwing out of cultivation any large portion of the land of this country. Very large protecting duties would not, he believed, operate beneficially. His wish was, to limit the supply of corn, so as to procure as much as was necessary, but to avoid a glut. With that view, he would be satisfied if lower protecting duties were imposed.

Mr. *Leycester* said, there never was a more zealous friend to the agricultural interest than he was. He commiserated their distress, but he was quite convinced that it would not be alleviated by the plan of the noble lord. The measure was contrary to all legislative rule. Was it not most unjustifiable to expend the public money, for the purpose of raising the price of bread against that very public from whom the money was taken? Was it not most unjustifiable to raise the price of bread against those manufacturers, whose chins were merely kept above water by the existing low prices? The principle of the measure was most flagitious; and he did not think that the badness of the principle was redeemed by

the equity of the plan. The question was, whether the present prices were forced or unnatural? If they were forced or unnatural, the evil would correct itself, and the prices would rise. In that case, it would be a gratuitous violation of principle to add a stimulus to that which would work its own cure. But, if the low prices were occasioned by an actual redundancy of produce, the measure certainly would do no good, but harm. It would bring large quantities of corn into local proximity with the market. In the event of a bad harvest, this might do good; but it would do much harm if the harvest were a large one.

Mr. *Huskisson* said, he would state the grounds on which he objected to this resolution. Looking to this as a temporary measure, his objection to it was, the time to which it was to be applied. His noble friend had stated that, since the last harvest, corn had been brought into the market to nearly double the quantity which had ordinarily been introduced at antecedent periods of similar extent. The reason his noble friend gave for this was, that the farmers were called on to pay their rents; and, from the difficulties which pressed on the landlords, the occupiers of land, in order to meet their demands, were compelled to thresh out their corn, and to send it to market at an earlier period of the year than usual. Now, if this reason were well founded, it followed, that many of the farmers were no longer in the market as sellers of this commodity, but as purchasers for their own support, and for the maintenance of the poor in the parishes to which they belonged. The consequence then must be, if this measure had the effect of taking out of the market any considerable quantity of corn, and thereby of raising the price, that it would bear hard on the lower class of farmers, and render the maintenance of the poor more onerous. He believed, if any practical man asked who were the most distressed? the answer would be, "look at their stack-yards." The yards of the wealthy farmers were well stored, while those of the lower class were emptied. How, then, could they be relieved by this measure? This plan did not accord with the general principles which governed the subject. The fact was, they were in an artificial state, which required frequent revision. With respect to the general principle, if there was any one article on which government ought not to lend money, that article was corn. Let the House consider what the effect of the law would have been, if it were passed last session. Agricultural distress was then pressing severely on the country; and, if the corn-market could then have been operated on to the amount of a million, he would ask his noble friend, who knew the state of the market in September, whether the price would not have been forced up to 80*s*., and the ports in consequence, have been thrown open immediately? On the 8th of Sept. the price of corn was 55*s*. 8*d*., and on the 29th it was 70*s*. 8*d*. being an advance of 30 per cent in twenty days. Now, if this plan had been then carried into effect, the corn-grower might, at the former period, have called for this million—the price would then have risen above 80*s*.; and that which the agriculturist most apprehended, namely, the throwing the ports open, would have taken place. What would be the consequence if there were a prospect of a rise in the market? Why, those persons who had received money from government at 3 per cent would be speculating against those who speculated with their own money, at an interest of 5 per cent. Considering the contingencies of this market, he thought it was truly desirable that its regulation should be left to the operation of nature. Prices were beginning to adjust themselves between landlord and tenant. They ought to be allowed to find their proper level: but this measure only tended to keep up the delusion, and to add to the difficulty. It would create a most dangerous precedent, which it would be necessary to keep up, if the harvest were abundant next season. Should the ensuing harvest be unfavourable, there would be no necessity for this assistance; and, if it were favourable, there would be a general scramble for this money. They would either do too little or too much. If the prices rose, there was no necessity to interfere; and if they were depressed, the measure would afford no adequate relief.

Sir *J. Sebright* said, he had had conversations with various farmers on this subject, and they all declared that the plan was of no value whatever. Legislative interference with the corn trade must, he was convinced, be productive of harm.

Sir *J. Shelley* thought the measure would not only not be beneficial, but that it was calculated to do a great deal of injury.

Mr. *Whitmore* said he had been obliged to thresh out his corn immediately, and carry it to market to prevent it from mouldering on his hands; and this had been the case with most of the farmers in his neighbourhood. The corn of the last year would be perfectly unsaleable after the next harvest, and the measure would consequently be wholly inoperative.

Mr. *D. Gilbert* thought the proposition would be a violation of sound principle, without any corresponding benefit. None but bad corn would be warehoused, if it were adopted.

Mr. *Cripps* could not look forward with satisfaction to the operation of this plan. The little farmer had, in a great measure, got rid of his property; and, therefore, with respect to him, it was too late. The damaged corn could not be dried, and kept in warehouses without great loss in weight and in other respects. He was quite persuaded that they could not get one without a fixed and permanent protection.

Sir *E. Knatchbull* thought, that the agricultural interest, were much indebted to ministers, and especially to the noble marquis. He appealed to the agricultural committee, and asked them, what situation they would find themselves in, if in this instance their recommendation and plan of relief should be thrown overboard. In justice to his constituents, himself, and the noble lord, he felt himself called upon to support the resolution.

Mr. *Wodehouse* did not think he should act right if he were to leave the noble lord in the lurch; although he regretted that a measure less exceptionable in its principle had not been brought forward. This measure, however, came a little too late, and was accompanied with so much doubt and hesitation, that many would be prevented from adopting it.

Mr. *Bankes* said, he had been of opinion that government should directly interfere and expend one million in purchasing corn. The present measure was a modification of that plan, but much less efficacious. As a general principle he was ready to allow the impropriety of such interference; but in circumstances of particular exigency, relief should be given according to the nature of the exigency.

The Marquis of *Londonderry* said, his hon. friend the member for Norfolk had been so good as to say that he would not leave him in the lurch. His hon. friend should rather take care that he did not leave himself in the lurch. He certainly had no disposition to ruin the cause; but he had given his reasons for not supporting the measure in the committee. Let the saddle, however, be placed on the right horse. When he saw the measure so tamely supported by some members of the committee, and when he heard nothing in support of it from others, who ought to regard it with parental feelings, he was not in any degree disposed to press the resolution. If other gentlemen did not raise their voices in its behalf, he begged leave to give notice that he would not divide the committee upon it.

Mr. *Irving* said, that the reluctance and diffidence he always felt in addressing the House, was his reason for not having before avowed, that he was the originator of the measure, and offered such reasons as he had given for this measure in the committee above stairs. He still continued to think it was calculated to be useful, although it had been ridiculed so severely by his hon. and learned friend. He had not proposed this measure in ignorance of the true principles of political economy. It was one of many expedients; and he had supported it as the least exceptionable. He was not more responsible for it than the committee. It was the measure of the committee, not his. He thought the scheme could be carried into effect without danger; and it was the duty of the House to adopt any measure which had the least tendency to relieve a class at once so important and so distressed as the agriculturists.

Mr. *T. Wilson* considered this the only practical measure which had been recommended by the committee. It was asked, what advantage could be proposed by advancing prices? The answer was—they would encourage farmers to keep in cultivation lands which would otherwise be thrown out of cultivation. The merchants had received advances in consequence of their goods lying by them. What danger was there in making similar advances to farmers? He was astonished to hear it said, that it was too late now, for that one half the benefit of it was lost. In God's name, was not the other half worth saving? We had now had a series of good harvests, and it was not unnatural to suppose that a bad harvest was not far distant. Therefore, they ought to accept this, the best measure the committee had offered to them. It was desirable to have cheap bread; yet they must not, for the

sake of cheap bread, let land be thrown out of cultivation, and the cultivators be sent to the poor-house.

Mr. *Brougham* said, he would be the last man who would be slow to interfere for the relief of agriculture at the expense of principle. Least of all would he be slow to interfere thus in their case, when he well knew that general principles had not been attended to with respect to the other classes. He alluded to times when the mercantile, the colonial, and the manufacturing interests, had been suffering, and the House had interfered for their relief. Though there was this material difference, that in those cases there had been no deposit. It was clear the measure could only tend to raise the price, or keep it up when raised. Now, the persons who had the most need of relief were not those who had grain to sell, and who could take advantage of the high prices: they were those whom distress had already forced to sell all their produce for the payment of their rents; and, as they would have to come into the market to purchase produce for the maintenance of themselves and their labourers, that would add to their distress. He would ask one question. How was the corn to be protected in the dépôts? Could that be done without expense. The farmers were called upon to give their property for the money which was to be advanced to them; but the fact was, that they would soon have no property to give, and thus, for the repayment of the loan, they would be exposed to a hardship far more severe than any which they now felt —an extent in aid—the only misery from which they were now free. For these considerations, as well as for others which had been stated, he would oppose the measure as mischievous, as at best ineffective in its result, and painful in its consequences.

The Marquis of *Londonderry* said, that after the discussion which had taken place, and seeing that the resolution was not supported by those who brought it forward, he would with the leave of the House withdraw it.

The resolution was withdrawn. The chairman then reported progress, and obtained leave to sit again to-morrow.

HOUSE OF COMMONS.

Tuesday, May 7.

NEWSPAPERS—GOVERNMENT ADVERTISEMENTS.] Mr. *Hume* said, that during the last session the House had made an order for a return of the number of advertisements from the different public offices inserted in the English newspapers. That return had not yet been made. It appeared, that some of the papers published in London greatly exceeded their cotemporaries in circulation. Now, it was evident, that if the intention of government in inserting advertisements in the newspapers was to give publicity to them, that object would be best effected by sending them to those papers which had the most extensive circulation. "*The Times*" had a greater circulation than any other two papers in England; and yet to it the government did not send one advertisement; whilst in other papers, which published only a few hundreds, they inserted the same advertisements over and over again. He trusted that the same system would not be introduced here which had grown up in Ireland, where some newspapers had been set on foot solely with the view of making profit by the government advertisements. Government advertisements had been inserted in some favoured Irish papers, two years and seven months after the transactions to which they related had been settled. It was shameful that government should use the public press in this manner. He had the authority of ministers themselves for stating that they refused to give the public the benefit which they would derive from having their advertisements inserted in "*The Times*" and one or two other papers. He concluded by moving, for the renewal of the order of last session, for a return of the amount of all sums paid to different English newspapers, for advertisements of all descriptions, from public offices.—Ordered.

FEES OF CONSULS.] Mr. *Hume* rose to move for certain returns respecting the fees of British consuls abroad. It would be admitted, that the officers appointed to superintend, our commerce and protect our commercial interests abroad, should be men acquainted with our commercial relations—men of experience, diligence and activity; and that it should be a duty with the government at home to make such regulations as would prevent the support of the consuls from becoming a vexatious burthen to the trade of the country. It was, however, curious to observe, that, though the greatest commer-

cial nation in the world, we were almost the only one which had not established a regular system of fees to be charged by our consuls. The consequence was, that in every port they were different, in some very high, and in many instances they were most arbitrary. From this he would except the Brazils, where the fees were regulated by special act of parliament. In the United States there was a regular system of fees established. In France, also, the charges of the consuls were fixed. Some countries paid their consuls a fixed salary, and no fees were charged as in France, except some small ones upon the exhibition of the ships papers. These charges to an American ship would not exceed two dollars, whilst a British ship, of the same tonnage, would perhaps be 5*l.* or 6*l.*, and this charge varied according to the port; so that it was scarcely possible for any merchant to know, except, perhaps, the ship was proceeding to some part of Holland where the charges were well known, what would be the amount of charges to which she would be liable. The remedy which he should suggest would be, that government should fix a regular scale of moderate fees, and then give to every British vessel, at her clearing out from a custom-house in this country, a printed table of the fees charged by the consul in the port to which she was bound. He had some extracts from bills of fees charged by British consuls in several ports, from which the House would perceive, the difference in the charges and the total want of system. An English vessel of 150 tons paid consul's fees, for the exhibition of her papers, at Hamburgh, 1*l.* 17*s.* 6*d.* At Rotterdam she would have to pay the same; but let her go to Rochelle, and she would have to pay 5*l.* 16*s.* 8*d.*; at Bordeaux, 8*l.* 2*s.* 6*d.*; at Naples, 4*l.* 8*s.* 10*d.*; at Leghorn, 3*l.* 8*s.* 9*d.*; at Genoa, 3*l.* 15*s.*, and so on; the charge varying almost in every port, but exorbitantly high in all. A small vessel of 60 or 70 tons belonging to England, taking in a cargo of fruit at St. Michael's, would have to pay three guineas, whilst an American vessel of the same size, would only pay two dollars. So that, instead of the fees being less in proportion to the great number of mercantile vessels which the British navy have, they were greater. Besides these sums coming in a vexatious way from the pockets of individuals, the country was burthened with a large sum for the salaries of many of those consuls. The sum paid under this head in 1792 was 10,000*l.* In the present year it was 30,000*l.*; but he would not go at that time into the details on this part, nor would he stop to inquire whether it was just that we should be paying 1,000*l.* a year to a consul at Venice, where there were but a few British ships in the year. He put it to the House, whether it would not be more advisable to have regular tables of moderate fees drawn up for each consul, than to go on with the present irregular system. He was very glad to learn that this subject had occupied the attention of the board of trade, and that a plan was in contemplation for lessening the present charges. After what had passed between the president of the board of trade and himself on this subject, he should not have thought it necessary to have brought the question before the House; but he found that when questions of this nature were under the consideration of the government, they often remained year after year without any thing effectual being done. One word as to the selection of individuals to fill those offices. It was not necessary for him to show that such care should be taken in the selection as would place none in those situations whose character were not most respectable. There were, he was sorry to observe, some of this description among our consuls, vice-consuls, and others, who, from their former character and conduct becoming known in the places to which they were sent, were obliged to leave the situation. He would not now name individuals. He hoped the noble lord would have no objection to a return, showing how long consuls-general and consuls had been absent from their several situations since 1815. Many persons looked upon those offices as appointments for life, and that it was only necessary to go out to take possession, and then, obtaining leave of absence, to remain away for years. It was known that a vast addition to the number of our consuls had taken place in 1815. This made a considerable addition to the amount of fees, but it contributed very little to facilitate business. He did not see what necessity there was for giving a consul-general in the Netherlands upwards of 3,000*l.* a year. Another at Paris had a very large salary; and there, he must suppose, the business could not be very heavy, for the office was opened only from eleven to one o'clock. The hon. member

concluded by moving for "a return of the table or rate of fees charged by British consuls-general, consuls, or vice-consuls, from British shipping, or British property in ports abroad, in the years 1792 and 1821; also, by what authority such charges were imposed." His second motion would be, for "a return of the periods each consul-general, consul or vice-consul, have been absent from their station in each year, since 1815."

The Marquis of *Londonderry* allowed that the subject was one of great importance. It had for some time been under the consideration of the board of trade, who were endeavouring to frame a law to regulate the fees of all the consular establishments. Although the consular system was in his (lord L.'s) department, yet it was always administered under the advice and recommendation of the board of trade. It was certainly highly desirable to arrive at some equalization of the fees, or rather, that the individuals in question should be paid by salary, and not by fees. The theory was excellent, but the practice was difficult; for to carry the theory into practice, it would be necessary very much to enlarge the present allowance for salaries, which was only 30,000*l*. It had been asked, why government did not select a respectable merchant of the place in which it was necessary to have a consul, and appoint him? In many cases that had been done with respect to vice-consuls. There was considerable danger, however, of such appointments being perverted to purposes of private emolument. The board of trade were preparing a bill on the subject, and it was his wish that it should be brought in as soon as possible. With respect to the attendance of consuls at their respective stations, he felt no difficulty in furnishing all the information in his power, and should be very happy to suggest any thing that could forward the object the hon. gentleman had in view; while, at the same time, he should feel happy in profiting by any suggestion which the hon. gentleman might throw out upon it. He would now advert to another topic, connected with this question, to which the hon. member had called his attention on a former evening. He alluded to the complaints alleged against Mr. Chamberlain, the consul-general at Rio Janeiro; and he could assure the House, that the charges made against that gentleman were without foundation. The amount of his fees could not be considered too great, when the very high prices of provisions were taken into calculation. As to his general conduct, Mr. Chamberlain was seven or eight years abroad, during four of which he acted as Charge d'Affaires at the court of the Brazils, during very arduous times; and in that capacity conducted himself with so much ability, that he (lord L.) should have considered him a valuable acquisition to the diplomatic corps of the country, but that he was unwilling to make a transfer from one branch to another. After residing eight years abroad, Mr. Chamberlain returned home in a very bad state of health, and though his situation was considered so very emolumentary, yet he would have been glad to have accepted the situation of consul-general any where in Europe, rather than return to the Brazils. He did, however, as no opening was made for him in Europe, return. With respect to the amount of fees, they had increased at Rio Janeiro in consequence of the great increase of trade, and they had been three times under revision in this country. It was said that trade was injured by the high rate of fees. He certainly would not sanction any thing which he thought would injure trade; but he believed it would be found, that so far from being injured, the trade in the port alluded to had very materially increased.

Mr. *Robinson* could assure the hon. member that he had never encountered greater difficulties in the investigation and arrangement of any subject, than in those of consular fees. They were at present levied by an authority, against which he certainly felt much disposed to protest. Conceiving it necessary that some more general and equal system should be adopted, he, with his noble friend, had gone through the various establishments with a view to ascertain how far it would be practicable to diminish the fees, and to substitute such moderate and properly apportioned salaries as would afford a sufficient remuneration. This, however, was a very difficult matter; as it became extremely difficult to ascertain the exact amount of duty performed and expense incurred by each individual. He (Mr. Robinson) trusted, however, that some arrangement might yet be made of a satisfactory nature, without any additional burthen on the country. Part of the expenses of the consuls was paid out of the civil list. The question was, how the

difference between that which was allowed by the civil list, and that which it was necessary to allow, was to be made up? Whether by a tonnage on goods, or in what other way, he was not at present prepared to say.

The motion was agreed to.

Agricultural Distress Report.] On the order of the day for going into a committee of the whole House, to consider further of the Report of the Committee on Agricultural Distress,

Mr. *Attwood* rose and said, that, entertaining the opinions he did respecting the utter inefficacy, as to any advantage to the petitioners, from the resolutions intended to be moved in the committee, and more particularly in consequence of what they had witnessed the preceding night, he thought it his duty to call their attention to a consideration of the general subject before them, and of the whole system of measures which they had pursued on that subject. The House, he said, had then before it, bodies of petitioners more numerous and important, and a statement of distress more urgent than had been at any former period brought under their consideration; and the complaints of the petitioners were marked with a general and an increasing spirit of discontent and dissatisfaction, arising out of the manner in which their representations had been disposed of by the House. Undoubtedly, the whole of the measures they had adopted on this subject had been founded on a settled conviction previously entertained that the distress complained of was out of their power to relieve; but whilst the House acted on a conviction like that, it was essential, not only that they should be themselves well satisfied of its justice, but that their measures should, if it were possible, satisfy the petitioners themselves, that the evils they suffered were out of the reach of parliamentary interference; and the House ought, in his opinion, to be cautious that it did not add to the other calamities of the present times, that of causing to be withdrawn the confidence of the people from parliament, under the present circumstances in which they were placed. He would request them to review for a moment before they proceeded further, what their measures hitherto had been. They had delegated their duties to three successive committees, the proceedings of which committees had produced no other effect than this, that they had diverted the attention of three successive sessions of parliament from the adoption of any effectual measures of relief or even of effectual enquiry; and were they to be surprised if they found an opinion to prevail, that this, which had been the only result, had been the main object also for which these committees had been appointed? The House had limited on its appointment the powers of the first agricultural committee to an enquiry into a subject very trivial and unimportant in its nature, and which experience had shown to have been in no way materially connected with the distress of agriculture; and in that way one session of parliament had been lost without any steps taken that afforded the remotest prospect, either of relieving or satisfying the petitioners. They next appointed a second committee with instructions to enquire into the truth of the allegations which the petitioners had made, of the truth of which no doubt whatever was any where entertained; and when that enquiry was completed, and the committee had reported that the allegations submitted to the House had been confirmed to their fullest extent, there that proceeding dropped, nor had, up to the present day, any measure been proposed either by the committee itself, or by any other party founded on its report and enquiry. The House however proceeded to appoint a third agricultural committee, and the report of that committee was now before them; and a measure founded upon it had been introduced by his majesty's government, and by the party introducing it had been withdrawn, when it was perfectly certain that the House was disposed to adopt it. The further perseverance in measures such as these he earnestly deprecated. They fell very short of the duties which the House owed to the country; they were liable to be considered as little better than a mockery of the distress of the agricultural community; they were utterly unsuited to the exigence of the present time, and had lowered the character of parliament in the estimation and the confidence of the people, to an extent which had probably laid the foundation of great political changes. And with what prospect before them was it that they were now to resolve themselves into the committee which the noble marquis had proposed? Was it to see repeated the scene of the preceding night? Measures again proposed and again withdrawn? It was at

least with the certainty before them of no measures being proposed there which could relieve the petitioners, and with an equal certainty of increasing their discontent.

In a condition of calamity and distress as extensive as that which now existed, no important measures of relief could be with advantage or even safety proposed, that were not founded on a comprehensive view and an accurate knowledge of the nature and origin, as well as the extent of the evils proposed to be removed. But the speech of the noble marquis who proposed the Speaker's leaving the chair, had afforded the House no light or exposition of that kind, and the three agricultural committees they had appointed, had failed altogether to arrive at any satisfactory explanation of the causes of agricultural distress. The evidence, indeed, which had been given before those committees was sufficiently distinct, intelligible, decisive and important, but it widely differed in all those qualities from the indistinct, vague, partial or trifling conclusions, which these committees had themselves formed upon that evidence. The evidence which the agricultural community had there given, formed a document as important, unless he greatly misunderstood its character, as had ever been submitted by a people to the consideration of a government, and the responsibility of the government was deeply involved, where a state of things existed such as was there described. The condition of calamity there exhibited to them, the wide extent of ruin there incontestibly established as existing, from whatever cause it had arisen, was altogether without example in any former period of the history of this country. The result of the agricultural evidence was, in short, this, that if no relief were given to agriculture, neither by raising the price of its produce, which he was convinced was altogether incompatible with the existence of the present standard of value they had adopted, nor by lessening the burthens under which it laboured, which they were told was equally inconsistent with the preservation of national faith and the support of the necessary expenses of the government; but whatever obstacles opposed themselves to that relief, the inevitable consequence before them was this, that if no relief were given, a great portion of the land at present under cultivation throughout the kingdom — that land from which the subsistence of the population was drawn — must of necessity and accompanied with a rapid deterioration in the cultivation of the remainder, and amidst the destruction of the farmers and labourers, be abandoned, and its cultivation be given up. It was from that soil, he again repeated, the cultivation of which rested on that precarious footing, that the subsistence of the people was drawn; and if there was any truth in the statements before them; if the whole body of evidence, taken before the agricultural committee of the last session, were not as full of deception and delusion, as the report accompanying it had been described to be, then the country had before it the prospect of dangers very different from those supposed to arise out of a redundance of agricultural produce; of dangers, the first approach of which they perhaps saw in Ireland, that country, overwhelmed, as they were lately told, with every species of destructive abundance, but where they now found, that the people were perishing with want. Under such circumstances, indeed, the necessity of measures, such as were now intended to be proposed, might be considered, in one point of view, manifest and apparent—not, indeed, as measures to relieve agriculture, for they had no such tendency; but to pave the way for the introduction of foreign grain, for that was their real object and tendency, and they had no other. And those measures might be considered necessary with reference to the general interest of the country, threatened with a danger which the present corn-laws would aggravate: but that the abandoning those laws should be brought forward under the pretence of relieving agriculture; that a committee appointed to consider of means for relieving agricultural distress, should have been made the organ and instrument of proposing measures like those; that was to redouble the inconsistency, absurdity, and confusion in which their proceedings had been hitherto involved. That proceeding, so originating, was a mockery of the distress of agriculture. The only consistent defence which could be set up for those measures, must rest on a determination to afford no relief to agriculture, but to prepare themselves to meet, as well as they were able, as well as the clashing interests of society permitted, the first and most immediate consequences of its abandonment.

It was important for them to consider

to what cause, or to what combination of causes, as new necessarily, and as extraordinary as the effects produced, the state of things before them was to be ascribed. Were they content to believe, with the hon. member for Portarlington, that it had been occasioned by a few harvests more or less abundant, or by land better or worse cultivated; or by the transport of a little grain from one part of the kingdom to the other; by the transport of a little grain from Ireland, that country which had exported every thing, which had imported nothing; and which, when they came to examine its situation, instead of finding Ireland relieved by that export of grain, the importation of which had been represented as so destructive to the agriculture of England, they found Ireland in a condition still more ruinous and deplorable than their own. If importations from Ireland had occasioned, in any considerable degree, the distress of this country, whence had the distress of Ireland itself arisen? It was for the hon. member to reconcile that inconsistency in his theory. But causes such as those were of common occurrence and operation. No condition of national prosperity was exempt from evils, if evils they were, such as those. They might occasion partial and trivial depression, but were capable of interrupting only for a moment the career of general prosperity; and had never yet occasioned a demand, or necessity for land to be permanently abandoned, or for cultivation to be permanently depressed. The hon. member for Portarlington had, indeed, referred to two other causes, somewhat, it would be admitted, more extraordinary in their nature, but according to that hon. gentleman's estimation, very trivial and unimportant in their operation, and they formed but a small part of his system. These two causes were, first, the alteration effected in the value of the currency; and secondly, the enormous burthen of taxation. With respect to the first of these, the alteration recently effected in our monied system, and the manner in which that alteration had affected monied prices, and had occasioned undoubtedly the distress of agriculture, as far as agricultural distress was occasioned, by the low price of its produce; into that question he would not now enter, because there was then before the House the notice of a motion, on which the nature of that operation, its extent and effects, would be more appropriately discussed. But with respect to the effect of taxation on agriculture, and the share which those burthens had in producing the difficulties under which the cultivators of the soil laboured, to that subject he would now call the attention of the House. The member for Portarlington was not singular in his opinion as to the trifling operation of our taxes on cultivation. That opinion was maintained by others; and in a tone of confidence which did not scruple to cast imputations on the motives, or opinions of those who thought, as he confessed he did, very differently on that subject. They were told that taxation was no cause of the distress of agriculture, because a taxation, still heavier in amount than the present, had existed at a period when no agricultural distress accompanied it. They had been told, also, that the distress of agriculture was not to be ascribed to taxation on another ground; that it was the low price of agricultural produce which had occasioned that distress, and that it was not in the nature of taxation to produce low prices. And, undoubtedly, there was some truth in both those assertions; but they were both founded on extremely partial and narrow views of that subject. Certainly, during a very considerable period of the late war, and again, at another period, that of the year 1818, as high a nominal amount of taxation had existed as the present; and had been accompanied with no agricultural difficulties, or embarrassments. But if they carried their observations one step further, they would arrive at a period when low prices also existed, and when low prices also were accompanied with no agricultural distress. The prices of the present time were in no respect lower than the prices which preceded the late war, and that was a period of great and general prosperity. There was as much reason, therefore, for maintaining that low prices were not the cause of distress, as for maintaining that this distress was not occasioned by high taxes. Both opinions were partly true. It was not low prices alone. It was not high taxes alone. It was low prices and high taxes joined, that agriculture was unable to support. That was a state of things, a combination of circumstances which had never before existed in the country, except during one short and calamitous period, during the years 1815 and part of 1816, and then their effects were precisely similar to those now experienced. It was the taxes of the late war, com-

bined with the prices that preceded it; the taxation of the paper standard; the prices of the metal standard; those taxes which could only have been imposed by the agency of their late paper money; those prices which could alone be sustained by the monied system they had now resorted to. It was the attempt to discharge debts and maintain taxes, in a species of money in which it was found utterly impossible to contract or impose them. That was the attempt of the legislature; the condition of the country was the evidence of its wisdom and success. Let the House consider what the full extent of that operation had been. Urged by the necessities of the late war; by the necessity of supplies which they found it impossible to obtain in money of the ancient value; they abandoned the old metal standard of value—they substituted in its place a paper money not convertible into gold—they depreciated that money, in other words—they raised all prices as estimated by it. In that money so depreciated, in those prices so raised, they imposed taxes and contracted debts, which it would have been impossible by any other means to have contracted or imposed, and having proceeded in that course for nearly the fourth part of a century, in which period not a year passed in which they had not added to their debts and taxes, an amount which never could have been raised in money of the old value, they proceeded at the end of that period, to withdraw from that enormous accumulation of taxation and debt, the means by which they had enabled the country to support it, the means by which they had induced the people to submit to it, and having completed that monstrous operation, they had left the country to struggle with its difficulties as it could, and appeared to be actuated by no other principle than an endeavour to avoid, if it were possible, the responsibility of their measures, and to evade from one session of parliament to another, the demands of the people for relief.

Could an operation like that before them take place, and no extensive derangement, no difficulties of an extraordinary nature follow? Was not the present condition of the country as much without example as an operation, such as that before them, had been before unheard of? When had it before been heard of in this country at any time, or indeed, in any country, of a necessity for abandoning the cultivation of the soil, and when had an operation like that been ever before gravely proposed as a means of relief? But it was said that cultivation had been recently extended and improved. Was that a new state of things in this country? An extended, an improved cultivation had been the common condition of the country from its earliest period; and the duty and the interest of that House, it had been hitherto held, was to promote and encourage that improvement, and to protect the interest of those who had embarked in undertakings of that nature. It was now for the first time that it had been heard in that House, that they had a different duty to perform; that their task now was to arrest the progress of cultivation and improvement, to force the stream of improvement backward, and to adopt measures, or to witness their operation, by which some of the most anciently cultivated districts in the kingdom were to be abandoned, and its richest beggared and reduced. He well knew that it had been said that it was land that had been recently inclosed, land recently and rashly cultivated, that it was now necessary to abandon. But all the evidence they had before them was in opposition to that assertion. The whole evidence before them went to this, that land which had been the most anciently cultivated, was amongst that which must be the first abandoned; that land which had existed in cultivation for centuries, and which, during the whole of that time had never failed to yield wages to the labourer, and profit to the farmer, and rent to the landlord, without all of which cultivation could not proceed, was now incapable of yielding that return, and for that state of things, without any former example, he denied that any other explanation could be given than this; that they had burthened this land with a cost of production equally unexampled also, and that it was that increased cost of production which the land was unable to support. But they had other alternatives before them than that of abandoning its cultivation. They had first to reduce the burthens by which it was oppressed. They had first to retread those steps by which they had lowered the price of its produce; and it was not till every other means had been attempted, till all other measures had been exhausted, that they were called on to yield to that last and dangerous alternative, that of abandoning at once the soil, and the population it supports; an operation full of all the elements,

not of suffering and calamity only, but full of all the elements of disorder, convulsion, and change, which they deceived themselves, if they believed that it was in the province of political economy to calculate.

He could not indeed, but consider it as somewhat surprising, that in the present day, when that new school, or new science as it was called, of political economy, was supposed so greatly to flourish, and was certainly so widely extended; that in that House, experienced undoubtedly, in matters of taxation, beyond any assembly that had ever existed on the earth, doubts should be found to exist as to what the effect of taxation was: and whether it were capable even in its excess, for it never could be excessive in any country at any time, if it were not in excess in this country at the present time, of materially affecting or deranging the great interests of society. They saw the people labouring under unexampled difficulty: they saw them oppressed with unexampled burthens; but they refused to believe that one of these had arisen out of, or was materially connected with the other. The hon. member for Portarlington—(and if he referred so repeatedly to the opinion of that hon. gentleman, it was because he was the only individual of equal authority, who had given any consistent exposition at all of the causes of agricultural distress, and he thought that the agricultural interest was on that account indebted to the hon. gentleman, at least, for his intentions, although he (Mr. Attwood) did not agree with him, in scarcely any one of the opinions he entertained; and was convinced that those opinions had produced extensive mischief and were calculated to occasion still more);—that hon. member had taken a survey of the condition of agriculture, and he found it suffering under great embarrassments; he had found that corn could not be produced in this country, at the present time, for the same monied cost at which it had been formerly produced here; and at which it could now be produced in the countries around them; and what was the explanation that he gave of the causes of this change? He told them that to feed an augmenting population, they had been driven to the cultivation of inferior soils; that those soils could be alone cultivated by the application of additional labour; that they yielded a smaller surplus produce: that none but a higher monied price could be a remunerative price for corn so grown; that this was the main source of the difficulties of agriculture, and that the relief from those difficulties was to be found in abandoning the cultivation of those poorer soils. But as this was the main ground on which the whole system of the hon. member rested, he would beg to state his opinions in his own words, as they were found in a pamphlet recently printed by him on that subject. [Mr. Attwood then read from a pamphlet of Mr. Ricardo]—"The words remunerative price, are meant to denote the price at which corn can be raised, paying all charges.—It follows, from this definition, that in proportion as a country is driven to the cultivation of poorer lands for the support of an increasing population, the price of corn to be remunerative must rise. It appears, then, that in the progress of society, when no importation takes place we are obliged constantly to have recourse to worse soils to feed an augmenting population, and with every step of our progress the price of corn must rise." This was the hon. gentleman's theory, by which, as applied to this country, he explained the cause of the rise of corn since 1793, and why it was, that corn could, not now be grown in this country at a low price. Now he (Mr. Attwood) was convinced, that there was no foundation, in fact, for the assertions here maintained, and on which this system was founded. He believed, that the fact thus assumed was directly the reverse of that which did in reality exist; that, so far from the average quality of land becoming poorer as population and wealth advanced, it became richer; and he had no doubt, but the average quality of the land under cultivation in this country, at the period of its highest prices, and of the greatest prosperity of agriculture, at the period prior to the close of the late war—that the average quality of land was then more fertile; that it produced more corn on an average by the acre, and with less positive labour; that it yielded a greater surplus produce, than at any former period. It was not true, that the cultivation of any country, proceeded in the manner, and according to the calculation here assumed. It was not the best land, which was first cultivated; nor the worst land which was last cultivated. This was determined in a great measure by other circumstances; by the rights of proprietorship, by locality, by enterprize, by the peculiarities of feudal tenure, its remains still existing; by roads, canals,

the erection of towns, of manufactories; all those and other obstacles of a similar nature interfered with the calculations of the hon. member; and bad land when it was once brought into cultivation, and subjected to the operations of agriculture; by draining, by watering, by the application of various substances, frequently became the best land, and was afterwards cultivated at the least expense. The committee on waste lands of 1795, calculated that there then remained unenclosed, in England, Scotland, and Wales, a million of acres of land capable of conversion into water meadows; the most profitable of all land; and the whole unenclosed land of England and Wales, was, by that committee, calculated at only nine million acres. In proof of our having been recently driven to cultivate bad soil, the hon. member had produced from the agricultural evidence, instances of land yielding no more than twelve bushels by the acre; but if he had directed his inquiries to the produce of land at those earlier stages of cultivation and population, when, if he was right, the people were cheaply fed from rich soils, he would have found the fact to have been, that a greater proportion of the land then cultivated, yielded no more than six bushels, than now of land that yielded twelve. But the statement of the hon. member permitted this question to be placed on a footing that admitted of no further dispute. He had referred to prices. He said, that the constantly increasing poverty of the land to which a people must have recourse in their progress in society and population, would be marked by a constantly advancing price of corn, accompanying every step of that progress. Of the quality of land at different periods, whether it was better or worse, it would be difficult to furnish decisive evidence: it was different with respect to the price of its produce. That was capable of being ascertained. The fact was, that the price of corn never had risen, in the way the hon. gentleman had supposed. It had been for about a century and a half, prior to the late war, that money of the present standard and value had existed in this country. Dr. Smith had estimated, that the increased supply of gold from the American mines had ceased about 1640, and from that time, therefore, to the late war, the present standard might be taken to have continued. In the whole of that long period, no advance had taken place in the price of corn. The average price of corn, had been as high at the commencement of that period, as at its close. If they took the price of corn for 50 years ending with 1794, the average price for that fifty years was 39*s.* 3*d.* a quarter (he took that amount from the report of the corn committee of 1813), and the average price of corn for 50 years ending 1696 was 39*s.* 4*d.*, a difference of 1*d.* in that whole century. That had been a period of improving cultivation, of increasing population; when, if the hon. member was right, we must have been driven to poorer soils, when a rise in the produce of land, must of necessity have followed, and when, of course, that rise of price would be found marked in the tables. But corn had not risen in price, in that period; or in any other period, as the hon. member imagined, or for the causes he ascribed. It was a most important fact, and he mentioned it to the House more particularly because it explained the causes of the extraordinary advance in agricultural prices during the war—that no rise in the monied price of corn—he, of course, meant no permanent and general rise,—had ever taken place in this country, from the period of its earliest cultivation, down to the commencement of the late war; except on one occasion; and that was on the occasion of an event, of no less magnitude, than the discovery of the new world, and the consequent introduction into Europe and this country, of the long accumulated produce of the mines of that great continent. There was no fact in history, better attested than that. The tables of prices of those former times had been investigated by Smith, with the accuracy which distinguished that great writer, and the conclusion he drew from them had never been since contested. Those tables exhibited the fact, that from the earliest periods of which the prices had been recorded—from the days of the Norman invasion, down to the days of the Spanish armada,—no rise whatever had taken place, in the monied price of corn in this country; on the contrary, it had regularly fallen, the price of corn had been 20*s.* at the commencement of that period, and had fallen to 10*s.* at its close. Ten shillings continued to be the price of a quarter of wheat, at the beginning of the reign of Elizabeth; and then it experienced a rise to four times its former price, it rose to 40*s.*; and that rise was permanent; and it was final;

it was common to this country with all Europe, and the price of corn in Europe, had never since risen beyond the price it then attained. It had never risen beyond that price in this country, until we abandoned at the commencement of the late war, the precious metals as our standard of price, and having adopted a species of money, over the amount and extent of which we had full power; we poured that money, into circulation with increased abundance, in the same manner in which the precious metals, had been poured into circulation in the reign of Elizabeth, and produced by that means similar effects. No advance in the progress of society, no increase of population, had ever yet occasioned an advance in the monied price of corn. Nothing but a fall in the value of money, nothing but its increased abundance, had ever produced that effect. Let the House compare these facts with the rise in corn during the late war, and they would want no other argument to show them what was the cause of that advance, and if any further evidence were wanting it would be found in this circumstance, that corn was now again fallen to its former monied price. But if their land then was not become inferior in quality, if it were not cultivated with greater labour, whence was it, that corn could not be now produced, as cheaply as at former times? Adam Smith, the greatest of authorities on the subject of political economy, would tell them, that the operation of excessive taxation on agriculture, was precisely similar to that which the member for Portarlington traced to an imaginary poverty of the land. The effect of taxation on agriculture, as explained by Dr. Smith, might be stated in these words; that it was an effect similar to that which would be produced,—by an increased barrenness of the soil; by an increased inclemency of the sky. They arrived then at the same result, through the burthens of their taxation, which they knew well to exist, as that which the hon. member would explain, by an imaginary barrenness of the soil, which had, in fact, no existence. And, in what, then, consisted the difference between their own agriculture and that of those hostile or rival nations to which they were referred for their supply? That the land of those countries was more fertile, better cultivated, or yielded a greater surplus produce? None of these circumstances were the case, the advantage those soils possessed over our agriculture was this, that we had not been able to reach them, with the curse of our taxation. Those soils we had protected—indeed; our own agriculture was burthened for their protection, but no government had been able to tax them. Whence this absence of taxation in those countries? Had those governments experienced no necessity, or were they more moderate than our own? They had resorted to us in their necessity, and had been assisted by burthens imposed on our own agriculture; that agriculture which, having burthened for their protection, we would now abandon for their gain; and in pursuit of visionary theories and distant and doubtful advantage. The very absence of taxation in those countries, and its existence in our own, was of itself evidence of no greater surplus produce, and that the only disadvantage under which our agriculture laboured, as compared with that of foreigners, was, the amount of its burthens.

He would recall to the attention of the House, what the detailed operation of taxation on agriculture necessarily was. The operation of taxation was this; that wherever any certain number of individuals, were employed in cultivating the soil, or in any other branch of productive industry—the effect of taxation was this, to place a certain other number of individuals to be supported by the labour of the former; and to draw their support from the produce of that labour, before the labourer was himself permitted, to taste of the fruit of his own industry. As they proceeded step by step, in that course, increasing the number of those who, by means of taxation, subsisted on the produce of the labour of others, they arrived at length at that point, when sufficient would not remain, for the support of the labourers themselves, and of those by whose capital they were employed. Then it was, that production and cultivation, becoming more difficult as taxation proceeded; became impossible in its excess; and that was the point at which the condition of the country evinced that they had now arrived. But if the ultimate effect of taxation was thus certain, its immediate operation, through the medium of money in which taxes were collected and paid, was still more visible and manifest. Every monied tax on the necessaries of life, must be paid out of the wages of labour, and increased the monied cost of cultivation and production. As they proceeded in

this course, they were led at length to that point, where the monied cost of the cultivation of land, exceeded the monied price of its produce; for the monied price of the produce of land, was regulated by the value of that money in which it was estimated. Then cultivation became impossible—then production ceased—it was attended with loss: that was the condition of difficulty to which they were arrived; and it was in that condition that they were told of remedies, which were in fact no other than the evils of which they complained, when they were told of relief to be found in abandoning—not indeed the taxes; but the land which they oppressed,—of diminishing, not the magnitude of the burthen, but the strength by which it was to be borne. Taxation had no power, to whatever extent carried, to effect that rise in prices so necessary to its support. In that the hon. member for Portarlington, he was satisfied, would agree with him. He would ask this question, whether if their currency had still continued on the footing of the war currency, and they had doubled all existing taxes by direct imposition; if they had by positive enactment made their 60 millions of taxes 120 millions; would that additional taxation have raised the price of corn? Not one farthing, if unaccompanied with the issue of additional paper money. The burthens and difficulties of agriculture would have been doubled; its prices have remained stationary. This then was the condition of difficulty to which they were arrived.

But if that was the nature of taxation, let them consider, then, to what extent taxation had been virtually increased, since that period, when agriculture had flourished in spite of the burthens which it endured. That increase must be admitted to be to that extent, whatever it was, into which the value of the currency had been raised. The extent of that alteration was now generally admitted to be 25 per cent. That estimate of 25 per cent was formed on a calculation, drawn from the price of gold; but the hon. member for Portarlington, who had chiefly insisted on that mode of calculation, had never hitherto been induced to explain, why gold, taken as a commodity, in the market, by the ounce, was to be considered as a better criterion than any other commodity; than hemp, or tallow, or cotton, or any other indifferent commodity, for the purpose of estimating the rate of a general rise, or a general fall of prices. But if that hon. member had failed to explain why gold was a better criterion, than any other commodity, he (Mr. Attwood) would show why it was undoubtedly a worse. In a rise of prices occasioned by the exclusive use of paper money, the great demand for bullion, that of circulation, at once ceased. The bullion market would then receive supplies from that quarter, from whence had previously arisen its principal demand. In the same manner when a metal standard was again resorted to, a new demand for gold would at once take place, precisely at that period, when there would exist, in consequence of a contraction in the general amount of money, a reduced demand for all other commodities. Gold bullion, consequently would be of all commodities, the last and the least to rise, in a general rise of prices, occasioned by the depreciation of paper money; and the last and the least to fall, in a general fall of prices occasioned by the restoration of that depreciation; and it would therefore of necessity prove the most faulty of all measures, by which such general rise, and general fall, of prices could be estimated. But if gold could not be used as a proper criterion to estimate the increased value of the currency, to what commodity or measure were they to resort? Undoubtedly, when the question was, to determine what was the increased pressure of taxation upon agriculture, occasioned by the change in the value of the currency; the most proper commodities to determine the extent of that change, were those in which agriculture was principally interested, corn and cattle. The price of corn during the last five years of the war, that period in which the last and the principal burthens of taxation had been imposed, was 107*s.* a quarter, for the average of that five years. The price of wheat was now 53*s.* a quarter; and the price of cattle had fallen in an equal degree. The pressure of taxation upon agriculture, therefore, had been doubled. Was not the farmer now compelled to pay the same amount of taxes out of every 50*s.* that he received, as he was formerly required to pay out of every 100*s.*? Do not the parties for whose benefit these taxes are paid, find that they now draw for every given amount of these taxes, a portion of agricultural produce, double that which they drew when these taxes were imposed? What became then of that preposterous argument which would represent that the taxes are

no cause of the distress of agriculture, because agriculture had at one time flourished under taxes nominally as high as the present? What weight was due to the argument of the member for Portarlington, of 10 per cent additional taxation upon agriculture, arising out of the change in the currency; and his calculation of 4 millions and 2 millions, thus added to its burthens; and that sums like these were not sufficient to account for the ruin of the whole landed interest and agricultural community? These measures were not to be so estimated. Taxation had been doubled. During these last eight years in which they had been engaged in reforming, as they were pleased to term it, their currency; when they came to examine the result of their labours it would be found, that in that disastrous and dismal period, in which they had been so occupied, they had doubled the monstrous amount of 60 millions of annual taxes in their pressure on the agricultural community, and it was in the midst of that terrible operation, without example in the history of governments and of nations, and of the ruin and destruction which it had scattered throughout the different orders and interests of the state, that that, and the other House of Parliament, had been found discussing what the effect of taxation was; doubting whether taxation was in any way materially connected with the interests of those, by whom the taxes were paid; and turning to the price of gold, as it appeared in their tables, by the ounce, they at length reluctantly admitted that their measures had increased taxation on an agriculture which they had ruined, to an extent which was to be estimated by that absurd calculation; and by the price of a commodity with which agriculture had no concern.

Was this estimate of the increase of taxation too high? Not if the present prices of agricultural produce continued. It was upon that, that the question depended. Indisputably, at the present moment, the increased pressure of taxation upon agriculture, was as great as he had assumed; and if the present prices were permanent, that increase of burthen was permanently established. If that new standard of value which they had adopted should prove incapable of sustaining (as he was convinced it was incapable), any higher rate of agricultural prices than the present, then the act of parliament by which it was established, was an act by which they had at once doubled, all the weight of 60 millions of annual taxes, and of 800 millions of permanent debt, in their pressure on the agricultural community. Of how much importance, therefore, had it been that the House should have inquired, as it never had inquired, before it established that new standard, or old standard, whichever it might be called, what its character and probable operation was, and what were the effects to be expected from it; what measure of value it was calculated to give; what rate of prices to support? It was not through the medium of the public burthen and debts only, that that measure affected the landed interest; its influence was equally destructive, in its operation on all the private engagements, with which the landed interest was concerned. Let them consider the case of that individual landowner, which had been recently mentioned in the House by a noble lord, the member for Tavistock. That individual, as he understood the noble lord, possessed an estate, which produced a rent in the high prices of the paper money of 20,000*l.* a year: and it was burthened with rent-charges, annuities, fortunes to relations, and other outgoings, founded in those high prices also, to the extent of 10,000*l.* a year; and the rent had now fallen it appeared, or must fall, one-half. If this change had been effected by the alteration in their monied system; if these prices and rents were to be permanent; they had confiscated by act of parliament every shilling of the fortune of this individual; they had divested him of all property in his own estate, however long his ancestors had possessed it, however prudently he had himself enjoyed it: they had left him no longer any interest by law in any portion of the land of this country, except what he might derive as a pauper under the poor-laws. That was the violent manner in which their measures had affected the rights of property; whether to that degree or not, and to what degree was the only question that admitted even of a dispute. It was most important, therefore, to inquire, what that degree was, how far these violent measures were to be carried, who was to be affected by them, and who could consider himself and his property safe. And on that point, as to what the rate of prices was which their present money was capable of sustaining, and what measure

of value their standard was capable of giving; on that subject he would not occupy the attention of the House, with any abstruse disquisitions. They had a better, and more certain guide before them, the obvious guide of experience, and he would refer to the information which that gave them. The money now again established, the standard of value adopted, was not new: it was that which had formerly existed, and he requested the House to consider what its former operation had been. The most extensive information before the House, on the subject of former prices, was given in the report of the corn committee of 1813, to which he had before referred. That report had given the prices of corn for a century, prior to the late war, and had divided those prices into average periods of five years; for corn, which fluctuated in price from one year to another more than any other commodity, was more uniform and permanent in its price, than any commodity, the produce of the labour of man, for any average period, of even a small number of years. The highest price, then, which appeared in that report for any average of five years was 49*s.* 9*d.* for a quarter of corn; and that price took place at the commencement of the last century. That was the highest average price, which in money of that weight and fineness in which corn was now again estimated, had ever been given in this country, or that had ever been given in any other country, in such money, for a quarter of corn. It had been the price of corn also, as he had before mentioned, for half a century, before this table commenced. The price of corn began with the origin of their present standard, now nearly two centuries back at about 47*s.*, as the highest average price for corn; and it ended at about 47*s.* as its highest average price, at the commencement of the late war. And, what reason was there for believing that a standard of value, which for so long a period had continued so uniform in its operation: which amidst all the changes which the country had experienced, of war, of peace, of taxation, of debt, of over-production, or scanty production, which had, amidst every kind of change, maintained so invariable a hold on the price of corn, would now assume a different character, and give a different estimate. It was for those who maintained that opinion, to show the grounds on which they supported it. That had not hitherto been attempted. Would it be contended that the precious metals had become more abundant, that they existed in greater quantities than before? That would appear in a rise of prices common to this country, and to the continent at large. The prices of corn on the continent, and in this country, as long as they were estimated alike, in money composed of the precious metals, had always nearly corresponded. From 30*s.* to 40*s.* of our money a quarter had been the price of corn in France for nearly the last two centuries, there had been a regular correspondence between those prices and their own. Those were the prices of France at this time. There had been no material rise of prices in France during the whole of the late war, that period marked by such an extraordinary rise in this country. France had not altered the character of its money. Prices had not materially risen there, they had not, consequently, materially fallen. And was it possible that any considerable alteration in the relative value of corn and the precious metals, could take place in this country, when none took place in the countries around them? That gold could fall in value in one country and not in others? That whilst the ancient price of two centuries, continued on the continent, the price of from 30*s.* to 40*s.*; a materially higher price of the principal article of subsistence, estimated in money of the same kind, could be permanently established here? No individual acquainted with the simplest maxims of political economy, would venture to maintain it. What result had the short experience they already possessed, of the effects of the re-establishment of the old standard given them? The price of corn he believed had already fallen to nearly its original rate. It was now about 50*s.* It had fallen to the same price, during the short period, in which they had attempted to re-establish that standard in 1815. The agricultural committee of the last session, in the laborious and perplexed inquiries, in which they had involved themselves respecting the prices of corn, had entirely mistaken the course which they ought to have pursued. They found existing a species of money, a standard of value, such as had existed in this country in all former times. They found existing, also, a price of corn, such as that money had always given; such as that standard had at all times measured—and they proceeded to

enquire, whence a circumstance so extraordinary as that could have arisen? Whence it had occurred, that the same commodity on one hand, and the same money on the other, should strike out the same price—the same substance, measured by the same standard, give the same result now as at all former times? The proper subject for their inquiry, was—what had been the cause of those high prices which had distinguished the preceding twenty years. Whence it had arisen, that the price of corn, which had continued so uniform for nearly two centuries; which had never during that period, reached a higher price than 50s. for any short average of years; and which had now returned to 50s. again; had, in the interval, suddenly risen, and had reached the price of 80s. for a period of five years; and then 80s. for a period of ten years; and lastly 110s. for a like average period of five years. That extraordinary state of things, would have been well deserving of their labours, to elucidate and explain; and in that course of inquiry, it would have been scarcely possible for the committee to have proceeded, without arriving at one plain and direct conclusion—that this rise of prices had been merely nominal; that it was the quality of the money, and not the character of the commodity, either in its production or supply, that had undergone alteration. That the old metal money had been abandoned, when these prices were obtained; that a paper money had been substituted in its place; that that paper money had been issued in increased quantities; that so issued, and so existing in circulation, great nominal amounts had been given in exchange for all commodities; that it was in money of that species, in pounds and shillings of that description, that first 80s. and then 110s. had been obtained for a quarter of corn—that with that species of money, those prices had ceased, and must of necessity have done so—that to hold out a contrary expectation to the people—to lead them to believe, that any higher prices than the present, could permanently exist, in conjunction with the money now again adopted—that the effect could remain, when the cause was removed—would be at best a gross and a senseless delusion, calculated to increase the calamities of the petitioners; to conceal from them their real condition: to prevent them from protecting their remaining fortunes by a just knowledge of it; and to aggravate all the sufferings which the committee were appointed to relieve.

It was not his intention however to enter into the question generally of the alteration in the currency: but to call the attention of the House to the causes which had distressed agriculture, and more particularly through the increase of its burthens; convinced as he was, that the House could not proceed with advantage, unless their measures were grounded on a full view of the whole extent of the evils before them, and their causes; he should regret if they adopted the partial and inefficient measures about to be proposed; and by which he was satisfied they would compromise still farther their own character, and increase the difficulties of the petitioners and the country.

Mr. *Ricardo* said, he rose, impressed with great admiration for the speech which the House had just heard. He thought the hon. gentleman had shown a very considerable degree of talent, much research, and great knowledge of the subject upon which he had spoken. [Hear.] Notwithstanding these circumstances, he could not help thinking, that the hon. gentleman had committed a great many errors. The hon. gentleman had spoken of him (Mr. Ricardo) as if he had always been a favourer of a paper circulation [cries of "No, no"]—as if, in fact, he had not been one of the first to point out the evils of a currency, in the estimation of which the House could have no guide, and which was at all times liable to be increased or diminished, as it might suit the convenience or the pleasure of the Bank. The hon. gentleman appeared to have founded the whole of his speech upon a passage in a pamphlet that he (Mr. Ricardo) had written, respecting what were called "remunerating prices." To the test of the doctrine and reasoning of that pamphlet, he should be very willing to trust the whole of the argument in this case. It could make no difference to the farmer how he obtained those remunerating prices, provided he got them; although it was very true (as had been asserted by the hon. gentleman), that in order to obtain such prices, he must be content to be paid in money or value of very different descriptions. But the important fact was, that it was impossible a man could long go on, producing any one particular commodity, unless he could obtain for it a remunerating price.—The hon. gentleman had spoken as if he (Mr. Ricardo) were alone responsible for the alteration which

had lately taken place in the value of money. He would, however, beg the House to recollect the state in which the currency stood in the year 1819. At the time of the passing of the bill of 1819, the difference between the paper currency and gold was only 5 per cent. What he had then suggested was, that measures should be taken which, while they restored the value of the paper currency to an equality with gold, and thus put an end to the depreciation, would make any purchases of gold unnecessary. Under those measures, as there would have been no additional demand for gold, there could have been no increase in the value of that metal. But as that suggestion was not followed, but another which rendered the purchase of gold necessary, and which (as it had been carried into effect by the Bank) had made a considerable change in the value of gold, how was he (Mr. R.) responsible for the effects of it? If the change in the value of money had been 20 or even 50 per cent he should not have been responsible for it. Undoubtedly, as the hon. member contended, the burthen of money taxation was increased, in proportion to the increase in the value of money: the only difference was as to the amount of that increase. He (Mr. Ricardo) contended, that it was at the utmost about 10 per cent, and nothing like what had been contended by the hon. gentleman. The hon. member had said, that he (Mr. Ricardo) measured depreciation solely by the price of gold; and the same observation had been made in various parts of the House, and repeated elsewhere under an entire misconception of the meaning of the word depreciation. Depreciation meant a lowering of the value of the currency, as compared with the standard by which it was professedly regulated. When he used the word, he used it in this obvious and proper sense. The standard itself might be altered, as compared with other things; and it might so happen that a currency might be depreciated, when it had actually risen, as compared with commodities, because the standard might have risen in value in a still greater proportion. When he said, that the currency was relieved from depreciation to such and such an extent, did he say that the currency had not altered in value? The question of the value of the currency was quite a different thing from the question of depreciation; and if the hon. member could prove that gold had changed in value 40 or 50 per cent, he (Mr. R.) would allow that there was a proportionate increase of value in the currency. The hon. member asked why gold was a better standard than corn or any other commodity? He (Mr. R.) answered, that gold had always been the standard of the country; and if we had not passed the fatal law of 1797, we should have continued to this moment with a metallic standard. But, would it have been said on that account, that gold had not altered in value? If, while we had continued a metallic currency, any other country which had had a paper currency had been returning to a metallic standard, the hon. gentleman might have come down, as he did now, and said, that on account of the purchase of gold that had been made, the value of that metal had been enhanced and that the pressure of money taxes had been proportionately increased. But, did the hon. member mean seriously to contend, that corn was less variable in value than gold [Hear, hear!]? Let him propose, then, that the Bank directors should pay their Bank-notes at a certain rate in quarters of corn instead of sovereigns; for that was the bearing of his assertion [Hear!]. The hon. gentleman talked of the impossibility of the cultivators of the soil having recourse to land of inferior quality, but the hon. gentleman did not correctly state the argument. It was not that cultivators were always driven by the increase of population to lands of inferior quality, but that from the additional demand for grain, they might be driven to employ on land previously cultivated a second portion of capital, which did produce as much as the first. On a still farther demand a third portion might be employed, which did not produce so much as the second: it was manifestly by the return on the last portion of capital applied, that the cost of production was determined. It was impossible, therefore, that the country should go on increasing its demand for grain without the cost of producing it being increased and causing an increased price. If the hon. member saw in the present state of things only the consequence of the change in the value of money, he gave no reason for the amount of the distress. Let them suppose his (Mr. Ricardo's) own case. He was possessed of a considerable quantity of land, the whole of which was unburthened by

a single debt. Now, according to the hon. member, he and the tenants on that land would have only been injured to the amount of the increase which the change in the value of money had made in the burthen of taxation. But they were, in point of fact, injured much more. The hon. gentleman was mistaken as to the fact, when he said there was little variation in the price of grain in the last century. In the first 62 years of the last century the average price of the quarter of wheat had been 32*s.*; but, in the years from 1784 to 1792 it had been 45*s.*—a very considerable increase on the value of corn. But, he would not rest on any scattered facts what was so evident in principle, as that the extension of cultivation must extend the cost of production of corn. The hon. member had said, that the effect of taxation laid on the land was the same as if the farmer had to support an additional man from whose labours he reaped no benefit. That he (Mr. R.) acknowledged was the effect of all taxation [Hear!]. The hon. member had seemed to think that he would deny this. On the contrary, no one could assert the mischievousness of taxation more strongly than he would. He would never consent that one sixpence should be taken out of the pockets of the people that could be avoided. But he was not, therefore, so blind as to say that taxation was the cause of all the present distress [Hear, hear!]. It was truly said, that the effect of taxation on the landholder was the same as if he had to maintain an additional man: but was not this also the case of the merchant and the manufacturer [Hear!]? If taxation, then, were the sole cause of distress, the distress would press on all alike. The theory of the hon. member was, therefore, totally insufficient to account for what they now witnessed. The hon. gentleman had asked, whether the price of corn would not be doubled if the currency were paper, and taxation were doubled? If tithes were doubled, poor-rates doubled and all taxes affecting especially the growth of corn were doubled, the effect would certainly be to increase the price of corn to that amount; but the country might be taxed generally without producing that alteration. The hon. gentleman had said that he (Mr. Ricardo) advised the abandonment of the land. Now he did not advise the abandonment of it while it was profitable; but he did undoubtedly advise farmers not to grow a commodity that would not yield them a remunerating price. He would give similar advice to the clothier and to the shipowner, if their circumstances were similar. He would not now enter into a discussion of the particular propositions about to be brought before the committee. He was content to have answered, however inadequately, the very able speech of the hon. gentleman, and he sat down with declaring that he did not entertain the slightest doubt of the validity of the principles he had maintained.

Mr. *Attwood*, in explanation, observed, that he had fallen into no mistake respecting the price of corn in the former part of the last century. He was perfectly aware of the fall which then took place, and he would remind the hon. member, that Adam Smith had ascribed it to an alteration in the value of money. He was aware also that, about the middle of the century, corn had recovered from that depression, from whatever cause, and had reached its former price, but had never exceeded it till the French war. If the hon. member would refer to the price for 20 years before the war, he would find no advance whatever in that time, and it was a period when much additional land was brought into cultivation, when importation above exportation was insignificant, and when population was rapidly increasing.

The House having resolved itself into a committee,

The Marquis of *Londonderry* said, that no individual listened with more satisfaction than he did to displays of talent, coming from any part of the House, on any question connected with the great interests of the country, but he must say, that if they did not confine themselves to some one practical view of the question before them, they would sacrifice the interests of the country. The hon. member (Mr. Attwood), whom he should have listened to with great pleasure on a more suitable occasion, had entered into the wide field of the bullion question, and he had naturally brought forward the hon. member for Portarlington, as the gladiator on the other side of the question. He humbly suggested to the hon. member, that if he was disposed to consider the effect of taxation on the country, he might have taken the occasion when the proposition was, to take off some of the taxes; and that if he chose to consider the state of the currency in its largest sense, he might have taken the opportu-

nity which would be shortly offered, by the motion of the hon. member for Essex. He should not have said so much, but for the animadversion of the hon. member, on the narrow view which he conceived the ministers had taken of agricultural distress. That narrow view was, however, very important. It was the consideration of a measure, not of immediate relief, but of future safety to the dearest interests of the country. The question was, how far agriculture was menaced by the importation of foreign corn, in the event of the ports being thrown open, under the present law; and to this he would now direct the attention of the House. The practical question depended, first, upon the price under which it might be prudent to open the ports for the importation of foreign corn; secondly, upon the rate of duty at which such importation should take place; and, thirdly, whether, after the ports were opened, any rate of duty should continue? He would state shortly, in the outset, why the House was called upon to adopt some measure on the subject. The presumption certainly was against the ports being opened; but if they were opened, in the present state of the markets of the continent, the importation of foreign grain would be so much beyond the wants of the country, as for a long time most ruinously to depress the prices in the British market. All agreed that something should be done, and by means of duty. Five plans had been broached; and, taking the preliminary point for granted, he would come to the practical points which he had noticed. First, as to the price at which the ports should be opened for importation: at present it was 80*s*., and when they were opened, it was without restraint as to duty, and limitation as to quantity. All parties consented to proceed on the principle of the report of last year—that if a duty of restraint were imposed, there ought to be some relaxation of the price at which corn might be imported. The legislature was called upon by the petitioners to give additional protection to agriculture. Now, he had heard no case to show that the distress arose from a want of protection. The protection was now quite ample; but it could not give price. The price of 70*s*., he thought, in all ordinary years, would operate as a prohibition, and secure the monopoly to our own growers. The resolutions both of his right hon. friend, and of the hon. member for Portarlington, contemplated an immediate change in the import price. The latter opened the port at 70*s*., with a prior right of entry at 65*s*. to corn warehoused. The former allowed the introduction of warehoused corn at 70*s*., gave it the monopoly for 3 months, or until the price rose to 80*s*., and then importations were permitted. He freely owned, that, as far as his own individual opinion was concerned, he should feel no alarm if either proposition were adopted; but he had felt it right to propose, that the ports should open at 65*s*. with a duty of 15*s*. and a fluctuating duty of 5*s*. per quarter. The great mass of the committee had thought that it would be highly inexpedient to open the ports under 80*s*.; and if alarm prevailed on this point, parliament ought to endeavour to legislate in the tone of the sentiments of the country; it ought not to aggravate the real sufferings of the agriculturists by torturing their minds. He had thought that the great tide of foreign corn would be regulated by a duty with more effect if it began at an earlier point than 80*s*.: if the British market were not opened until it reached that price, the torrent of foreign corn would accumulate and swell, and when set at liberty, it would roll over rather in an overwhelming cascade, than in a regular stream. The hon. members for Somerset and Wilts concurred with the committee in the price of 80*s*., excepting that the committee admitted warehoused corn at 70*s*.—He now came to the question of duty, and here also different suggestions had been made. The hon. member for Somerset proposed 35*s*.; but he might just as well declare that foreign corn should not be imported at all. To the 35*s*. duty, must be added 10*s*. for expences, and 80*s*. or 90*s*. for the price of the corn; for it could not then be admitted until the average was 80*s*.; consequently some of the prices would be considerably higher. In a year of scarcity, a bill to repeal such a law would be passed, as a measure of public safety, through all its stages in a single night. The recommendation of the hon. member for Wilts, though more moderate, partook strongly of the same quality: to his duty of 24*s*. was to be added 10*s*. for the expenses and the price of the quarter of corn 80*s*. or 90*s*. These propositions led him to the question of a fixed rate of duty, without reference to the price of the commodity in the market. The hon. member for

Portarlington wished to have a fixed rate of duty always in operation; and it might be realized when the markets of the world were in a natural state. His right hon. friend (Mr. Huskisson) was not prepared to make it a fixed rate of duty. He (lord L.) did not believe it possible to levy a duty to a considerable amount after a certain price, because the moral feeling of the country would be against it: in point of fact, a high duty could not exist with a high price. He should infinitely prefer a simple measure of a fixed rate of duty, getting rid of all complexity, without any fixed price; but that theory could not be realized. He would state why it would not be safe to try the experiment now. If he could bring his own mind to think that there was no practical danger in it, he could not persuade the country to think so. In arguing the question of duty, he must begin at a more moderate rate than those of either the hon. member for Somerset or Wilts. The proposition of the committee was the lowest of all; but if no alteration was to be made in the scale of duty until the price reached 80*s.*, it would be necessary to look at the situation of the market when open to foreign grain. Taking the duty to be 15*s.* and the price 90*s.*, (to make the average of 80*s.*), deducting the duty, the foreign importer would be able to procure 65*s.* The value of corn on the continent was now so low, that he would be able to realize a considerable profit. On this point he had been somewhat mistaken out of doors. It had been supposed that he had said on a former night, that foreign corn could not at this moment be obtained in this country at 30*s.* or 35*s.* He had never so stated. The corn now warehoused might be obtained for 25*s.*, or even 20*s.*, because the holders were uncertain of a market. If, also, only a small quantity were at present required from the continent, it might be had at 30*s.*, or 35*s.*; but he maintained that it could not be imported at that rate in all years and in all quantities. The continental grower would not be remunerated at that price. It was clear, however, that even from Dantzic, where wheat was the dearest, it might be brought to this country with great advantage when the importer could secure 65*s.* If, then, some mode were not adopted for preventing it, foreign grain would continue to pour in until it found its level here with the rest of the world, and the result might be most prejudicial to agriculture. The experiment might be risked when the world had returned to its natural state; but, at present, duty only would not be an adequate protection. At present, any reasonable duty would leave such an interval between the price here and on the continent, that the influx might be ruinous. What, then, was the remedy? He knew of no other but that after the price had run down below what agriculture could bear, the import price should be taken in aid of the duty. The report of last year, had drawn a marked distinction between measures that might be necessary at the present time, and those which it might be desirable to adopt at a future period; but those ultimate measures it had recommended with great caution and great discretion. Now, he must say, that nothing had occurred in the course of the last year to satisfy him that we had approximated more nearly to a state of things in which we could legislate on general maxims. Therefore, he was rather for a modification, than for adopting the more sound and established general principles. He should feel great distrust in giving his own opinions in opposition to those of his right hon. friend and the hon. member for Portarlington, if he did not see distinctly the ground on which they differed. They thought that we were arrived at that period when the establishment of sound principles of a corn law was right and practicable. He was of opinion that we had not yet arrived at that period. He could not see that the market of the world was less superabundant; he did not think that prices had risen on the continent; he knew, unfortunately, that they had not risen in this country. If the country were in a more natural state of things, and we had opened our ports earlier, 10*s.* added to the foreign price he should think a right protection. If wheat were then 25*s.*, 30*s.*, or 35*s.*, the quarter on the continent, and if it rose from 35*s.* to 40*s.* which was its natural price, than 10*s.* of expense of importation, and 15*s.* of duty, would raise the price to 65*s.* This would be nearly equal to the home price of 70*s.* He admitted that it was desirable to dispose of the question of the corn laws at once. We referred to it with pain. His right hon. friend was therefore anxious to set the subject at rest, and with this feeling had shown a disposition to modify his general principles. The hon. member for Portarlington, too,

had acted with as much accommodation as could be expected from a person who held so high the principles to which he gave his authority. That hon. member attempted to reconcile the measure which the present exigency required, with the measure which ought to be permanently established, by imposing now a duty, which, in the course of the next ten years, would fall to its permanent amount of 10s. He should like this proposition better, if it allowed a larger operation to the commerce in corn; and for that reason he had proposed 65s. in the committee. But if that should not be the price at which the ports were to be open, then he would support what was the general view of the committee. His right hon. friend proposed a duty of 15s. The committee recommended 12s., with an alteration of 5s. He would rather take the duty at 20s., or 25s., than leave the country exposed to the evils which were now felt in consequence of the irregular importation of foreign corn. It was upon those general principles that he ventured to submit the proposition to the House. Two or three shillings could not have such a charm with any member, as to render it worth while to spend much time in discussing it. The great object was, the substituting a more extended commerce in grain instead of a monopoly, and then prospectively the removal of restrictions. One thing he strongly deprecated. With every disposition to show their sympathies with the agriculturists, let them not contemplate an aggravated scale of protection. Such a measure as he proposed might pass very smoothly through the House; yet if they awakened the feelings of the people, their future legislation would be impeded by petitions, as at a former period, when such fatal consequences attended them. He had endeavoured to legislate with an even hand between the grower and the consumer. Unusual supply, and a violent transition from high to low prices, little accorded with the interests of either. He hoped they would be allowed to go forward with their legislation with the confidence of the country. But if an aggravated protection were sought for the sake of additional efficacy, they might expect to have the whole proceedings broken in upon. If the hon. member for Somersetshire proposed nothing but simplicity, and if he could persuade the committee to adopt the protecting duty of 35s., he (lord L.) would withdraw all the scale of duties which he now proposed.—The noble marquis then moved, "That it is the opinion of this Committee, that whenever foreign wheat shall have been made for home consumption under the provisions of an act made in the 55th year of his late majesty, the scale of prices at which the home consumption of foreign corn, meal or flour, is permitted by the said act, shall cease and determine."

Sir *T. Lethbridge* began by returning his thanks to the hon. member for Callington (Mr. Attwood) for one of the most able speeches he had ever heard in that House—a speech which would carry conviction to the heart of every man in the country. He agreed with that hon. member, that it was the duty of the House to legislate with a view to the benefit of the whole community, and he admitted, that he must be mistaken in the grounds on which he supported his present opinions, if they were opposed to that principle. The distinguishing feature in his proposition was, that it imposed a protecting duty on all agricultural produce. He was aware of the delicacy of legislating upon the food of man. In this commercial and manufacturing country this was always a delicate subject of legislation. But, if ever there was a period when it was incumbent on the House to look firmly at the question, this was that time. It was said, that a duty of 35s. was too great, and that it would be impossible to collect it. He was not satisfied that it would be so. What was the state of the market at the present moment? He had been informed by a merchant of high respectability, that he could deliver any quantity of wheat at 26s. a quarter. The agriculturists had been asked what they wanted in the shape of protection beyond monopoly? But he contended, that they had had nothing like a monopoly. In Feb. 1819, no less than 2,500,000 quarters of corn had been imported—a quantity which had had a sensible influence on the markets ever since. There were at present 500,000 quarters of corn warehoused in the country; and the object of one of the new measures was, to let out this quantity of foreign corn before the price reached 80s. But corn was not the only article to which the House ought to direct its attention. Last week, in London, 1,400 firkins of foreign butter had been sold at from 56s. to 60s., to which the price had fallen in consequence of the glut; but Buckinghamshire butter could not be sold at 6d. per lb., because the

Dutchman had sold his quantity the day before, and, after deducting all charges, got 3*d.* per lb. by it. In like manner, he had known the Somersetshire farmers refuse to sell their cheese for less than 33*s.*, when a cargo came from Rotterdam and filled up the vacancy left by the farmers refusing to sell. Hemp, tallow, and hides were in the same state. Unless protection was carried to a much greater extent than it now was, it was in vain to expect that the agriculturists could maintain their station in society. This might appear no evil in the opinion of some hon. members, but in his opinion, it was a crying evil, and required all the energies of parliament to prevent the consequences which were likely to result from it. The public creditor might be paid for a short time longer, but it was impossible that he could go on receiving his dividends, when so large a class of the community were in a state of ruin, and it would be unjust to expect it. Mr. Peel's bill was the main cause of the existing distress, and there could be no doubt that parliament would be obliged to retrace their steps. The tail of that bill must be cut off. It was impossible to go through with it; and the proposition with regard to country banks, proved that the government were convinced of the impossibility of pushing this measure to extremities. He knew not what the fate of the resolution which he was about to propose would be, but he was quite satisfied, that when the time should arrive for a free importation of corn, with regard to price, a lower rate of duty than that which he proposed, would not furnish an adequate protection to the agriculture of the country. He remembered an observation in that House which had made an indelible impression on his mind—that even with a duty of 40*s.* the country might at any time be inundated with foreign corn. The agricultural interest had always remained firm to their duty; and he doubted not that they would still continue so, if they were not goaded to desperation [Hear!]. He was one of those who would be heard; and he must say, that the measures which had been lately pursued, were calculated to drive the land-owners to desperation. He would not be put down, nor prevented from declaring his sentiments, and he trusted the House would not be led away by false speculations, and the abominable theories of political economists. [A laugh.] He hoped the House would put down those theories with all their might and force, and in so doing they would prove themselves to be the representatives of the whole people, and not of an interested class of the community. The agriculturists would be most grievously disappointed if the measures of the noble marquis were carried into effect. The resolution which he was about to propose, would afford a full and adequate protection to the various articles of native produce, and by that resolution he was prepared to stand or fall. The hon. baronet concluded by proposing the following resolution:—

"That it is expedient, for the protection of the agriculture of the united kingdom against foreign competition, that the following rate of duties shall be payable, and paid, on the import of any productions of foreign countries similar to those of our own soil; and that, subject to such rates and duties, the import of all such productions shall, whenever the ports shall open under the present law, thereafter remain free for the import of all such productions, viz.:—

Wheat... 40*s.* per qr.	Hemp... 15*s.* cwt.
Meal.... 10*s.* cwt.	Hides... 2*d.* lb.
Flour.... 14*s.* cwt.	Tallow.. 20*s.* cwt.
Rye..... 26*s.* 6*d.* qr.	Seeds... 28*s.* cwt.
Oats.... 13*s.* 6*d.* qr.	Butter.. 56*s.* cwt.
Pease.... 26*s.* 6*d.* qr.	Cheese.. 37*s.* 4*d.* cwt.
Beans.... 26*s.* 6*d.* qr.	Poultry, 33*l.* per cent *ad valorem* according to price current.
Barley, Bear or Bigg.. 20*s.* qr.	Apples.. 5*s.* per bush.
Wool.... 1*s.* lb.	Pears... 7*s.* bush.
Flax.... 20*s.* cwt.	

All things not enumerated 33*l.* per cent *ad valorem.*"

Sir *F. Burdett* said, he felt no inclination to agree to any of the propositions which had been submitted to the House. With regard to the proposition of the hon. baronet for imposing an import duty on the various articles of our produce, for the sake of keeping up the prices, it was, in his opinion, a matter of minor importance, if not of total indifference. The hon. baronet appeared to complain, very unnecessarily, of an attempt to put him down; seeing that his opinions, whether they were right or wrong, had been listened to with attention by the House. There was one point in which he agreed with the hon. baronet, namely, the utter futility of all the projects and resolutions which had been proposed to the House. The view which the hon. baronet had taken of this subject, such as it was, was at least clear and intelligible. Its object was, that such a duty should be imposed as would pre-

vent the possibility of importation, until corn should rise to a price with which the farmer could pay what was required from him in taxation, and through another cause, which the noble lord had left entirely out of view—he meant the change in the currency. The hon. baronet required that wheat should be raised to 120*s.* per quarter [Cries of "No, no."]. He had misunderstood him, then. At any rate, he had said, that if prices were not kept up, the agriculturists could not be relieved. With regard to the noble lord, he knew not well what to think: he could not determine whether that noble lord was in jest or in earnest [Cheers!]. The noble lord had proposed a plan; but he (Sir F. B.) did not know in what light to consider it. He did not know whether the noble lord was more in earnest or less in joke than he was last night, when he brought forward a measure that he had treated with so much ill-placed levity. So much did the noble lord on this subject seem to forget the gravity that became a minister, and the seriousness that was due to the interests he was discussing, that if he (Sir F. B.) had a musical voice and wished to answer him in his own vein, he should be inclined to borrow the words of the old song, "Cease your funning." [A laugh.] This temper, on such an occasion he thought worse than levity. The manner in which the noble lord had introduced and surrendered the measure, showed inconsistency and incapacity. The noble lord's disposition seemed now humbled. Instead of threatening, as formerly, to yield nothing, he yielded every thing, as soon as he saw in the country gentlemen a desire to assert their claims. Nay, he yielded up his own conviction, and introduced a measure contrary to that conviction, because he thought it agreeable to their views; and, when he found that they received it with apathy, or treated it with aversion, he withdrew it with the same inconsiderate levity. The noble lord must have entertained a poor opinion of the House, or a high idea of his own powers of persuasion, when he undertook to convince it of the wisdom and policy of a measure of which he was not convinced himself. He had a right, therefore, to ask, was the proposition now before the committee the noble lord's own progeny, or if he found it as ill treated as the resolution of yesterday, would he come forward, deny the parental relation, and call upon the real father to relieve him from his ill-omened charge? Professing to be nurse or foster-father of this measure for agricultural relief, he scarcely allowed it to see the light when he extinguished it. The noble lord had recommended it to the House. He then came forward, and not only deprived it of existence, but seemed so ashamed of it, that he called upon the real parent to own his progeny, and free him from the imputation of being its parent. The noble lord's present project was, to impose a duty on the importation of foreign corn for the protection of the English grower; and various opinions had been stated as to the proper amount of that duty. Now, in his (sir F. B.'s.) opinion, there ought to be no duties at all. This was his sincere opinion; and it did not matter with him whether it was agreeable or not to the landed interest, or any other interest in the House. The noble lord himself appeared to have no opinion on the subject. Feeling perplexed in his place, and resolved to do something, without being able to decide on what ought to be done, he called upon the land-owner and the farmer to come to the relief of the minister. Though, from his official situation, he ought to be placed on an eminence whence he could survey all the interests of the country, and be able to apply all the measures which the exigency required, he professed himself to be guided by the views of the farmers and country gentlemen, and became the blind instrument of their will. To the plan which, at their suggestion, he brought forward, the noble lord contented himself with giving this recommendation, that "if it did no good, it could do no harm;" whereas he (sir F. B.) would maintain, that legislation which did no good on a subject like this, must do harm. But the noble lord could not advance farther; and when he found that the insufficiency of his proposed measure was detected and exposed, he declared that he put his trust in the healing effects of time. [Hear.] This had been long his infallible remedy. Time was to cure us of all our evils for the last seven years; yet, instead of being cured, they had only been aggravated. The physician had only exasperated the malignity of the disease, and increased the danger of the patient. Though the noble lord had not entered at all into the causes of the distress under which the country laboured, and seemed desirous of carrying the measure before the House, without proving its necessity

or its adaptation to the end of effecting relief, he (sir F. B.) would go somewhat into the subject, to show that corn duties were not called for, and would be injurious. The great causes of our present sufferings were, the change in the currency and the pressure of taxation. He had not been present in the House when, as he had been told, a speech (Mr. Attwood's) of great ability was delivered on the effects of the change in the currency. There could be no doubt that that change, and not circumstances of partial operation or equivocal influence, was the cause of the general distress. It was a doctrine advanced by a noble earl in another place, that superabundance of produce was the cause of our agricultural embarrassments, and that no possible reduction of taxes would effect any relief; and the noble lord opposite, adopting the principles, but embellishing it with his usual exaggerations, had argued, that the remission of all the 70 millions of taxes would not sensibly alleviate the sufferings of the landed interest. What, then, would relieve us? He could not agree with the hon. member who spoke last in his denunciation of the principles of political economy; nor could he comprehend what that hon. member meant by political economy when he so abused it, unless he thought that it meant low prices. [A laugh.] The principles of political economy, when properly understood, meant only those principles which should guide the management of the public resources, and enabled us to explain those questions which related to them. According to any thing he could understand of political economy, it did not appear that the superabundance of produce, against which such complaints were made, could be proved to exist. It was stated before the committee, that the last two crops in this country had not been very abundant; and it was acknowledged on all hands that there had been no importation from abroad. It was a fact, likewise undeniable that during the war, when importation took place to a considerable extent, prices were high, and that when importation had ceased, prices had fallen. It did not seem, therefore, consistent with just reasoning to infer, that importation of foreign corn, or excessive supplies at home, had occasioned the fall of prices.—But, there was another fact which was connected with that fall, and which appeared more likely to be its cause. Simultaneous with the fall of prices, was a diminution in the quantity of the currency. The former might be the effect of the latter. A decrease in the quantity of an article might raise its price beyond the proportion of that decrease. But the currency had been diminished to a great extent. During the war, the Bank circulation rose to about 30,000,000*l.*, and the circulation of country paper amounted, on calculation, to 40,000,000*l.* more, making together 70,000,000*l.* Taking the circulation of the country to be about a tenth part of its income, then a diminution of one per cent in the value of the circulating medium would depress prices 10 per cent. Such change affected all classes to a great extent; and as the income of the consumers diminished, consumption was consequently lessened. The importation of corn could not in this or any other state of things have affected us. The importing country was always rich; and it was on imports that the value of our commerce depended. They invigorated manufactures, they stimulated labour, and they increased the market for all commodities of home growth. By stopping the importation of corn by means of the corn laws, he was persuaded that the evils resulting from the change in the currency had been aggravated.—It had been objected by some persons to the landlords, that they endeavoured to obtain high rents. For his own part, he professed that he liked high rents, for he thought that high rents were a proof of the prosperity of a country. When high rents were enjoyed by the landlord, the farmer enjoyed high profits, and the labourer adequate wages. This might have been the state of things without fluctuation, but for the measure of 1797; which, by occasioning a change in the currency, cut both ways, and caused transfers of property without doing any good, which it was surprising the nation could pass through without ruin. The acts by which the circulation was at first depreciated and then restored, combined an operation which no other government ever attempted, and which no other nation could ever have endured. It had been said, that the act of 1819 had not occasioned distress, because the distress had begun before it passed; but, the preparation for carrying it into effect had begun long before the bill had received the sanction of parliament. That bill merely prevented prices from taking a backward course.

The evils which the measure had caused in its contemplation and subsequent execution, were incalculable. It was the most fraudulent transaction that ever disgraced any country; and he knew of no greater crime than that involved in the unjust transfers of property which it created. Ministers ought to have been impeached, if they had been aware of the consequences of the measure without taking precautions against them [Hear, hear!]. They had thus forcibly altered all existing contracts—they had deprived one man of his property to enrich another. And how many might now be lingering in prison, who had been found by this iniquitous act in the midst of plenty, and had been left by it dry on the strand, to pant and expire without relief, like the fish of a pond after the water was withdrawn! By this interference with the currency sometimes the creditor suffered, sometimes the debtor; by it, the charges of the government and all the burthens of the state had been aggravated almost beyond endurance. In the mean time, the salaries of ministers, and the emoluments of office had not been affected, and the means of corrupt influence remained undiminished. It had been said, by those who wished to console us under our sufferings, that similar changes to this which he had described had occurred in other periods of our history; and the reigns of Edward 6th and William 3rd, had been appealed to as proofs of the assertion. True it was, that parts of the coin had formerly been clipped and debased; but a change had never before now been suddenly effected in the whole circulation of the country. When formerly the base coin was called in, or "cried down," according to the phrase used, notice was given that it would, after a certain time, be stopped, and a new coin issued. No inconvenience or loss was occasioned to the holders of it. Government at the time appointed, received it in the discharge of taxes. The country was thus relieved from a debased coin; which at any rate was of some value, and the holders of it were indemnified. But, what was the case now? Not a small portion of the coin only, but the whole circulating medium of the country had been altered 30 per cent. In the meantime, nothing had been settled. Ministers did nothing to compensate for the changes which they had occasioned; and the noble lord contented himself by standing up and referring the country to the general working of events, by which all things would be set to rights! Unless some compensation was made for this forcible change in the currency, there could be no claim for the amount of the present taxes [Hear!]. All our taxes ought to be lowered in proportion to the rise in the value of money: all our establishments ought to be reduced in that proportion—our civil list, and all the salaries of public officers. There was no use, for instance, for a civil list of 2,000,000*l*. It might be true, that they could not, at once remove so much of the taxes as would occasion a complete relief; but they should bear in mind that the last hair breaks the camel's back, and that, the one pound which they took off now would be a greater relief than that which they might take off next. The more distressed the country was, the more sensibly would the most trifling relief be felt and acknowledged. He, with this view of the subject, did not think the result of the vote for the reduction of one of the postmasters-general unimportant; and he hoped the noble lord (Normanby) who had managed the business in so spirited a manner, and conducted it to so fortunate an issue, would not stop in his career, but take up some other similar job; and he was sure he would find no difficulty in making his choice [Hear!]. No retrenchment could be obtained from the present ministers without compelling them to it; but a few votes like that of the other evening would procure for the country some relief. Ministers had declared, at the beginning of the session, that they could not remit a single farthing of taxes; and since then we had heard of a remission of several millions. Indeed, they were so inconsistent in their conduct, and the reasons which they gave for it, that they almost in the same breath declared that an abolition of taxes would afford no relief, and then proposed to remit taxes as a source of relief.—Taxation, then, joined with the change in the currency, was the manifest cause of the distresses under which the country laboured; and the country gentlemen of England, with whom as a class he was connected, and whom he always looked upon with respect—whose fate was bound up in that of their country—who could not leave it, but must stand or fall along with it—were imperiously called upon at the present moment to come forward, and force upon ministers the means of their

own salvation. He was convinced, that, whether generally connected with ministers or not, they would do their duty: he was convinced that they would see the destruction that impended over them: he was convinced that they would not look upon it as a trifling matter, who should get possession of their estates, though the soil might be cultivated as before: he was convinced that they would stand up and preserve their fields and mansions, which they had received from their fathers, and which they were pledged to transmit to their posterity. This they could not do, if they supported the present weak ministers in their vacillating policy and foolish projects [Hear, hear!]. They had unwarily given their confidence to men who trifled with their dearest interests, and insulted their deepest distresses—who came forward with a proposition for their relief which they professed would do neither good nor harm, and afterwards withdrew that proposition with levity and jesting—who treated them with a debate as children with a plaything, and when the amusement had lasted a sufficient time, closed it without coming to any result. The noble lord had formerly asked the country not to turn its back upon itself; but he made no scruple of turning his back upon his friends. He had last night, in withdrawing his countenance from one of them, wished "the saddle to be placed on the right horse;" but he had not only put on the saddle, but had ridden the horse hard to boot [Hear, and a laugh.] He had abandoned the measure which he brought forward for them; but this was not to be wondered at, for he had abandoned some of his own. He had heard the noble lord's plans and projects at the beginning of the session (which he confessed he did not understand); and he now found that they were given up. There was a scheme to lend money to parishes on the security of the poor-rates, and others, equally notable, of which he now heard nothing. He never remembered to have read or heard of a ministry that presented itself before the country like the present. An hon. gentleman had said, that they possessed the confidence of the House; but he was sure if this was the case, that both they and the House had lost, and justly lost, the confidence of the country [Hear, hear!]. The noble lord had last night been extremely jocular, and treated the proposition which he introduced as a jest. It would now be necessary to ask him, if to-night he was in earnest. Let him say whether he meant to support his own scheme, or was merely introducing it for the sake of a speech. The House would then know what they were about. If the noble lord was serious, he (sir F. B.) would propose, for the relief of agriculture, other measures than that before the committee. He would propose that all the expenses of the state should be reduced to the scale of 1792, as all prices had fallen to that standard; and as the currency had altered all the charges of government, that they should be all adjusted anew. The noble lord had laid great stress on keeping faith with the public creditor; but was not faith likewise to be kept with the public—the people of England? It was not by high prices that agriculture should be expected to flourish, but by a diminution of the public burthens and an adjustment of the change in the currency. The public creditor, if he was to receive his due, ought not to receive more than he contracted for. The state of the farmer must be looked to as well as that of the public creditor. It must come to that at last. The country could not go on without it [Hear, hear!]. The proposition, that the distress of the country proceeded from superabundance was contrary to every principle of political economy. Whenever there was an abundant crop, the farmer was compensated in the increase of quantity for the diminution of price. He was himself a consumer, and enjoyed to the amount of his own consumption the benefit of low prices. He paid his rent to his landlord from his increased produce; and the landlord becoming his customer consumed more on account of the diminished price. The manufacturer, the labourer, and every class of the community enjoyed and consumed more of the farmer's produce, and were enabled to supply him at a lower price. It was quite impossible, in this view of the subject, that superabundance could produce mischief. But even if it could, what was the fact with regard to the reality of that overabundance? It did not exist, the last two crops were only average crops, and we had had no importation for three years. Providence had not therefore inflicted this imaginary evil upon us; our distress arose from the change in the currency and the pressure of taxation, and was not to be relieved by corn bills. The causes of our embarrass-

ments were, our immense military and colonial establishments, our civil list, and our great load of taxation. The corn trade, as well as all other trade, should be free; and its freedom would occasion no inconvenience, if we were relieved from a portion of our burthens. The great evil was a ministry who had not wisdom to propose, or character to execute, any great or beneficial measure—who could take no large or liberal view of the state of the country—who thought only of preserving their places, and of obtaining a vote for the evening. Such an administration, with the noble lord at its head, was a national calamity. His vacillation, perplexity, and ignorance of what he should do, was owned by the noble lord himself—*habes confitentem reum;* and yet he was a bold man, too, for he hoped for shelter even in the storm that threatened and surrounded us. But, when the waves dashed, when the tempest raged, when they heard the wind whistling through the shrouds, would the gentlemen of England so stultify themselves as to continue their confidence in such a pilot at the helm? [Loud cheers.] Could they expect that, under the counsels of such an imbecile government, any country could stand? When we saw boldness and rashness joined to such imbecility, was it not time that they should be checked in their career? We had now been passing through our seven years' transition from war to peace, and nothing had been done. If the noble lord could not find out some beneficial measure, he ought to surrender a power which he could not direct to any good purpose. The noble lord had since the peace, been at conferences, at congresses—he had feasted with princes and sovereigns—he had attended balls and routs with high personages, and he might address to him what had been said on a different occasion—

Lusisti satis, edisti satis, atque bibisti;
Tempus abire tibi est.———

Any ministry at the head of affairs in this country, at this time, ought to be able to look its difficulties in the face, and meet them with corresponding vigour. This could not be done by men whose only object was to get a vote, and to stop discussion—who pretended, when the principle of a measure was before them, that they should postpone the debate to the details, and who then said, that after the details they could not return to the principle—who had, for three years, promised the agriculturists to do something, and who now confessed that they could do nothing—and who, when the latter complained, and justly complained, of high taxes, refused to reduce the establishments by which a part of those taxes might be remitted. Nothing wise or beneficial could be expected from the government unless we had a different set of ministers. It was impossible that the country could long go on under their counsels [Loud cheers].

Mr. *Robinson* began by stating, that the party invective in which the hon. baronet had indulged, seemed to him ill placed on a debate of this nature. If a specific motion were brought forward involving the conduct of ministers, he should feel no difficulty to meet and answer it. Even if he were to admit the propositions of the hon. baronet, that the present distresses were occasioned by taxation and the late change in the currency, and that the only remedy for them was the reduction of taxation on one hand, and on the other the abrogation of the law which compelled cash payments, yet, as it was not contended that any immediate benefit could result from either of those measures, whatever their remedial effect might ultimately be, he could see no reason why, on the present occasion, the House should not take into consideration the mode in which acknowledged defects in the existing laws relative to the trade in corn could most conveniently be removed. He had always taken this view of the question—that an alteration in the corn laws, either in the shape proposed by his right hon. friend, or the hon. members for Somersetshire and for Wiltshire, could not operate any immediate relief. The immediate pressure upon the agricultural interest arose, it must be admitted, from extreme depression of price, which was partly occasioned by superabundant production. The hon. baronet had ridiculed this argument which had been urged by his noble friend; but he thought he must have done so from misunderstanding its nature. Nobody had ever said that abundance generally was an evil; but, on the other hand, nobody who thought upon the subject at all could deny, that if the quantity of any article produced, exceeded the demand for it, so that the price in the market fell below the cost of its production, the producer must suffer from that circumstance. He had never contended

that abundance under any circumstance was an evil. Such an argument would be a libel on the constitution of nature. He had on former occasions always endeavoured to show that none of the proposed alterations in the corn laws could produce immediate relief. He was not insensible to the defects of the existing laws. When it had fallen to his lot to introduce those laws to parliament, it would be recollected that he did not describe them as a benefit, but only as a choice of two evils. He would admit that restrictions upon the trade in corn were not in themselves desirable, and that a new system, of which such restrictions would form no part, might not afford relief to the agriculturists; but still he was decidedly of opinion that good would result from curing the evils of the existing laws. He would go further and say, that if he thought the House could obtain the support of the country in adopting a system of corn laws, founded on the principles so ably laid down by his right hon. friend, such a measure would receive his sanction. But ministers did not deserve to be reproached as they had been by the hon. baronet, as being persons whose continuance in office was the sole cause of all the distresses of the country, and whose removal from their places would be the sole remedy. They ought not to be thus reproached, because they were not prepared to force a measure by the mere force of law against the prejudices of the people. The question for the consideration of the House might be reduced to very narrow limits. It was simply this, whether the proposition of his noble friend was calculated to remedy the particular evil arising out of the present law, which evil the agricultural committee of last session had described as being of considerable magnitude. In his opinion it was. It should be recollected, that when his noble friend proposed the re-appointment of the agricultural committee this session, he stated, that his object was to have the defects of the present corn laws particularly considered; and upon that occasion there were not wanting gentlemen opposite (particularly the member for Waterford), who suggested that the committee should be limited by the instructions of the House to the consideration of that point exclusively. It appeared to him that no such limitation should be imposed upon the committee, and his opinion coincided with that of the House generally; but it was clearly understood, that the subject alluded to would receive particular consideration. The particular evil of the present laws, in his opinion, arose from the change which they permitted from unqualified prohibition to unlimited admission. If it was not thought necessary to abrogate the law altogether, surely it was advisable to render it as fit as possible for its purpose, by the remedy of existing defects! He did not see how the particular evil which he had just stated could be remedied, except by the imposition of duties. The scale of duties proposed by his noble friend, whilst on the one hand they did not tend to raise the price of corn in this country, more than was the case under the existing law, on the other secured to the agriculturist that protection which he at present received, and to which he was, under existing circumstances, entitled. He would ask those who attributed the pressure which prevailed in this country upon the agricultural interest to account for precisely the same pressure which was experienced in almost every corn-producing part of the world. There was at present scarcely a country in Europe, not excepting those which hardly produced corn sufficient for their own consumption, such as Spain and Portugal, which had not established, or was not about to establish, restrictive systems of corn laws. The same distress which was felt in this country prevailed in every part of Europe, and even in the United States of America; where he was confident the hon. baronet would not say it was the effect of severe taxation. He must take the liberty to say this, that if the hon. baronet could convince the House and if his opinions were right, he hoped he would convince them—that all the evils of which the country complained were to be ascribed to ministers, feeling an anxious regard for the country to which he belonged, he trusted the hon. baronet would induce the House to remove them from their situations. But until the hon. baronet could persuade the House to adopt his opinions, he could assure him, that not all his taunts would induce ministers to depart from the line of conduct which they thought it necessary to pursue. They would do what they considered best adapted to the interests of the country; and he did not doubt that if they did their duty the country would support them.

Sir *J. Newport* was of opinion, that it

was impolitic to agitate the question of the corn laws, unless a certain remedy could be proposed for the evils complained of. It would be most expedient to let the existing laws take their course, until the affairs of the agricultural classes both here and abroad should assume a more settled appearance.

Mr. *Ricardo*, being of opinion that the sufferings of the agriculturists were in a great degree owing to the corn laws, considered the present a fit opportunity for saying a few words upon that subject. Even if he were fully to agree with gentlemen who ascribed the present distresses to the change in the value of the currency and the weight of taxation, still he thought those gentlemen must admit that the corn laws, considered abstractedly without any reference to those two questions, were calculated to produce great evils. One of the principal of these evils was, the unnaturally high price of corn in this country over all other countries. The hon. baronet had admitted, that superabundance would occasion a great fall in the value of corn as well as all other articles. And here he must observe, that there appeared to be a little inconsistency in the arguments of the hon. baronet. In one part of his speech the hon. baronet admitted that a superabundant production of corn would occasion mischief to the extent in which it was at present experienced. [Sir. F. Burdett dissented.] The hon. baronet now said he did not admit this; but he certainly understood him to do so, and to apply the argument to the change in the value of the currency; for he said that those who contended, that the increase of an article beyond a certain limit, would occasion a fall in price greater in proportion than the increase which had taken place, must admit that an alteration in the value of the currency will produce a change in the value of commodities, greater in proportion than the alteration in the value of money. Although he (Mr. R.) was of opinion, that a superabundant supply of an article produced a sinking in the value of the article greater than in proportion to the additional quantity, yet he did not apply this argument to money. He would put a case to the House, to show how a superabundant supply of an article would produce a sinking of its aggregate value much greater than in proportion to the surplus supply. He would suppose, that in a particular country a very rare commodity was introduced for the first time—superfine cloth for instance. If 10,000 yards of this cloth were imported under such circumstances, many persons would be desirous of purchasing it, and the price consequently would be enormously high. Supposing this quantity of cloth to be doubled, he was of opinion that the aggregate value of the 20,000 yards would be much more considerable than the aggregate value of the 10,000 yards, for the article would still be scarce, and therefore in great demand. If the quantity of cloth were to be again doubled, the effect would still be the same; for although each particular yard of the 40,000 would fall in price, the value of the whole would be greater than that of the 20,000. But, if he went on in this way increasing the quantity of the cloth, until it came within the reach of the purchase of every class in the country, from that time any addition to its quantity would diminish the aggregate value. This argument he applied to corn. Corn was an article which was necessarily limited in its consumption: and if you went on increasing it in quantity, its aggregate value would be diminished beyond that of a smaller quantity. He made an exception of this argument in favour of money. If there were only 100,000*l.* in this country, it would answer all the purposes of a more extended circulation; but if the quantity were increased, the value of commodities would alter only in proportion to the increase, because there was no necessary limitation of the quantity of money. The argument of the hon. baronet, to which he had before alluded, was, therefore inapplicable. With respect to the subject more particularly before the House; namely, the evils of the present corn laws, he was of opinion that the farmer would suffer an injury from having too abundant crops. But to look at the other side of the question. Suppose the farmer should have scarce seasons, and that his corn should rise; just at the moment when he would be about to reap the benefit of this circumstance, the ports would be opened, and corn would pour in in unlimited quantities. These evils had been pointed out in the most able manner in the agricultural report, and in the resolutions of his right hon. friend (Mr. Huskisson), to some of which he should be sorry if the House did not agree. In his opinion, not the resolutions of the noble marquis, nor even those of his right hon. friend, and

still less those of hon. members on his own side of the House, were at all adequate to remove the evils complained of. How was the evil of an habitually higher price in this country than in foreign countries to be remedied? By making the growing price in this country on a level with that of other nations. If his propositions should be agreed to, for imposing a duty of 10*s.* upon imported corn, and granting a bounty of 7*s.* upon exported corn, he thought it impossible that the price of wheat in this country could ever be materially higher than that of foreign nations. If abundant harvests should occur here, the farmer would have his remedy in exportation. In fixing the duty of 10*s.* upon imported corn, he had been guided by what he thought the circumstances of the case required. He did not intend that the House should adopt the duty of 10*s.* all at once. In the present distressed state of the agriculturists in this country, and taking into consideration the abundant supply of grain on the other side of the water, he was willing to give the farmer protection up to 70*s.*, and then open the ports for importation, commencing with a duty of 20*s.* In his own opinion, this duty of 20*s.* would amount to a total exclusion of foreign corn, but he selected it, because, under the existing laws, all importation was prohibited, and therefore he was not making the situation of the consumer worse than at present, at the same time that he was securing a gradual approach to what he considered right principles. He would state the grounds upon which he calculated the duty of 10*s.* He found it stated in the evidence given before both Houses, that the whole of the charges which the farmer had to pay, which were principally tithes and poor-rates, amounted to about 10*s.* per quarter. The hon. member for Wiltshire said last night, that he desired no more than to have a duty placed upon the importation of corn, calculated on the taxes which fell on the landed interest. He did not understand the calculations of that hon. member, but he called upon him to refute his if he could. If the hon. member admitted their correctness, he should expect the support of his vote. He recommended the imposition of the duty upon imported corn, for the reasons he had before stated, namely, the protection of the farmer in the event of a bad harvest. He contended that he was vindicating the cause of the farmers more effectually than many gentlemen who called themselves their friends.—It was necessary for him to make a few observations upon that part of his plan which provided for the introduction of foreign corn, now in bond, into the home market, subject to a duty of 15*s.* whenever the price of wheat should reach 65*s.* The hon. member for Oxford had said, that this measure would be destructive of the agricultural interest, and that it would reduce the price of corn to 47*s.* But the farmer had the remedy in his own hands. When the price of wheat should arrive at 64*s.*, if he apprehended the influx of foreign grain, he would be in possession of the market, and might dispose of his corn to advantage. He had selected 65*s.* in order to secure the farmer from being placed in competition with the holders of foreign corn in bond and in foreign countries at the same time; he would first have to cope with the former, and if the price should afterwards rise to 70*s.* he would then compete with the latter. It might be right to observe, that a duty of 10*s.* would be fully adequate to protect the farmer even when the ports were opened. According to the evidence before the committee, there appeared to be little danger of the country being overwhelmed by importations. The noble marquis had stated, that the expense of bringing corn from abroad to this country amounted to 10*s.* per quarter. But Mr. Solly, in his evidence, calculated that the expense of growing of corn in the interior of Germany, together with all the charges consequent upon its carriage to this country, would amount to 2*l.* 16*s.* The duty of 10*s.* upon importation would increase this sum to 3*l.* 6*s.* Now, the member for Cumberland was of opinion, that 65*s.* was a fair protecting price; and if so, why did he and other members object to the duty of 10*s.*, which would secure them against importation until the price of wheat should be at least 65*s.*? He could not understand upon what principle the agriculturist could object to his propositions. He was willing to give them not only a remunerating price of 70*s.*, but a duty of 20*s.*, and yet they thought that was not adequate protection. He would take this opportunity of informing the House, that Mr. Solly, to whose evidence he had referred, understanding that the noble marquis had asserted, that the last harvest in Silicia had been so very abundant that it was not considered worth while to reap it, had instructed him (Mr.

R.) to state, that so far from having had an abundant harvest, the inhabitants were reduced to the necessity of buying seed-wheat. The noble marquis's propositions did not appear calculated to remove the existing evils, but rather to confirm them. They would tend to encourage the agriculturist in speculating upon high prices, and would thus produce the same round of evils. He also objected, though in a less degree, to the propositions of his right hon. friend. His right hon. friend proposed a duty of 15*s.* on imported corn without any drawback upon exportation, the consequence of which would be, to make the price of corn in this country habitually 15*s.* higher than in foreign countries. Nobody had more clearly shown the evil of such a circumstance than his right hon. friend, and therefore he was exposed to the charge of inconsistency for having proposed a measure calculated to produce it. The drawback which he (Mr. R.) proposed, would operate in favour of the farmer when he would stand most in need of assistance. He declined entering upon the question of the currency, but he could not avoid making one observation on that subject. Some gentlemen seemed to think that the contraction of two or three millions of the currency had never before the present time taken place. In the report of the committee of 1797, it was stated, that in 1782—at which time the Bank paper in circulation did not amount to more than 8,000,000*l.* or 9,000,000*l.* in addition to coin—an actual reduction of 3,000,000*l.* of the amount of the money in circulation took place.

The chairman then reported progress, and obtained leave to sit again to-morrow.

HOUSE OF COMMONS.

Wednesday, May 8.

COMPLAINT AGAINST THE MORNING CHRONICLE.] Mr. *Hume* said, he rose to complain of a gross misrepresentation which had that morning appeared in a newspaper, relative to a motion which he had made yesterday for a return of the sums paid to the different newspapers by government for advertisements, &c. So far from finding fault with the animadversions of a public journal, he thought it its province to advert to all public subjects, but, at the same time, as the character of a public man was public property, the writer should take care that his animadversions were not founded on a gross misrepresentation. That misrepresentation was in a note, on a report of his speech in "The Morning Chronicle." He had a regard for that journal, from the correctness with which it collected information, and the impartiality with which it communicated that information to the public. The note was as follows:—"We take this opportunity of addressing a word or two to Mr. Hume. How does he know that 'The Times Newspaper publishes more than any other two papers in England?' However deeply he may be versed in the concerns of The Times Newspaper, he may not be equally so in that of each of the others, and at all events the public would not have thought less of his judgment, if he had not laid claim to any such minute knowledge. His argument certainly did not require that he should; and as The Times takes special care, from time to time, that the world shall know how prosperous they are, it was hardly necessary for him to come forward in parliament to back their affidavits.—For the sake of other papers of which the rank and character may be less firmly established than our own, and which could not with equal safety approach such a subject, we have to observe, that ministers have been guilty of an evident dereliction of duty, in not objecting to the unwarrantable returns respecting newspapers, moved for by Mr. Hume. No principle can be more clear than this, that the knowledge of the private concerns of individuals, which the law gives to government for purposes of revenue ought never to be made use of to the injury of those individuals in the way of their business. If the income tax had been in vigour, Mr. Hume might with as much propriety have moved for a return of the income of any individual with whom government had contracted, or might enter into a contract, on the ground of thereby obtaining matter of crimination against ministers.—We will deal frankly with Mr. Hume. We would advise him once for all to let newspapers alone, if he wishes to render his labours serviceable to the public. We have reported his statement as he delivered it, because we never allow ourselves to garble or intentionally to disfigure speeches delivered either in parliament or elsewhere. We could refer him, however, by way of contrast (to take one out of many instances), to a speech of his own on the 27th February, in which his compliment to a certain morning paper, which he

named, is carefully garbled in a certain other morning paper, which we shall not name; a circumstance which those who have a feeling for more than sums and numbers will know how to appreciate."—He had no concern with the quarrels between newspapers. He had not, as was stated, moved for any papers with a view to private transactions, but only to ascertain in what manner the public money paid for advertisements by the public offices was disposed of. He had no anxiety to pry into the private affairs of any one, and no such motion with that object was made by him. The papers laid on the table had been moved for by a noble lord, (J. Russell), and not by him. He had no connection with that motion, and the application of his words was unwarrantable and misplaced. He did not wish to make a formal complaint to the House, nor would he do so of any newspaper as long as he had a seat in parliament; but, as far as regarded his public character, he was anxious that so gross and false a mis-statement should not go forth to the public.

AGRICULTURAL DISTRESS REPORT.] The order of the day was read for going into a committee of the whole House, to consider further of the Report of the Committee on the Agricultural Distress. On the question "That Mr. Speaker do now leave the chair,"

Mr. *Wyvill* rose. He said, that the distress of the country was so paramount at the present moment, that no consideration should deter him from doing what he conceived to be his duty. Two committees had been appointed; but the result of their labours had been any thing rather than satisfactory. It appeared to him, that the resolutions now before the House were likely to do any thing rather than afford relief; and, indeed, the noble marquis who had brought forward some of them, admitted that they were not calculated to give relief immediately. With such a view of the subject, he proposed to take the sense of the House upon the only resolution which to him seemed capable of meeting the difficulty. Two courses only presented themselves of relief. The first was, the repeal of Mr. Peel's bill; the second was, a reduction of of taxes. Now, to the repeal of Mr. Peel's bill he was averse. The country had proceeded so far with the difficulty, that he, for one, was prepared to go through with it. The applicable remedy, therefore, was, the reduction of taxes, and that remedy was called for from one end of the country to the other. It was allowed, that the produce of English corn was about, upon an average, 50,000,000 of quarters a year. Of this amount 5,000,000 quarters were taken as tithe; 8,000,000 were consumed as seed; 22,000,000 were taken by the agricultural interest; and 15,000,000, therefore, were left for the agriculturist to carry to market. Now, a reduction of taxes, to the amount of 20,000,000*l.* a year would operate towards the agriculturist as a relief of 10,000,000*l.* a year—forming a change of full 30 per cent in his favour. Such a measure might seem a sweeping one; but it was the only one from which permanent relief could be expected. There was not a measure now before the House which, if in action tomorrow, could remain in action six months. He would therefore move, by way of amendment, "That it is the opinion of this House, that the best and most effectual relief that can be given to the agricultural interest is a large remission of taxation."

Mr. *Lockhart* said, that a reduction of taxes would, in his opinion, be tantamount to a breach of national faith; for with such a reduction, it would be impossible to pay the interest of the national debt. No one of the 500 petitions from the agricultural classes went the length of this motion of the hon. member. He had heard the distress ascribed to a superabundant produce; but of this he was not satisfied. The notion appeared to owe its origin to the early sales of corn at low prices; but if he were to see in a pawnbroker's shop an unusual quantity of wearing apparel, he should not therefore believe that there was a superabundance of that article, though, assuredly, he should believe that the consumers were distressed. But, whatever was the cause of the distress, he conceived the proposition of the hon. member for Portarlington was altogether unsound. It would have the effect of throwing much of the poor land out of cultivation; a measure so destructive to those interested in it, that had he not known the amiable disposition of that hon. member, he should be disposed to question his motives. The persons engaged in the cultivation of these lands could not successfully look for employment in any other direction, as the manufactures were already overstocked. The

number, too, of these persons would be very considerable; for there were large tracts of poor land all over the country; especially in Norfolk, Bucks, Cambridge, Huntingdon, Oxford, and Gloucester. There would be considerable danger to be apprehended from those persons thus brought to distress by acts of the legislature. But, at all events, it was not to a reduction of taxation that they looked for relief. It was to protecting duties; and on this part of the subject he was glad to find that the noble marquis thought a provision should be made against sudden and strong competition in the market. To proceed on this basis, the House should satisfy itself on two points. The first was, the price of corn, generally, at Dantzic and other northern places. He was here much surprised to find that the evidence of Mr. Solly stated the average price at from 43 to 48*s*. This he conceived could not be a fair average; as he was satisfied the general price on an average was not more than 24*s*. The noble marquis thought that, on this part of the subject, a trifling variance was of no great or particular consequence; but surely the noble marquis was not at this moment, to be informed, that a shilling difference in the bushel of wheat made a difference amounting to the whole rent. The mistake of a shilling only would therefore drive the English grower out of the field. The second point to ascertain was the amount of protecting duty. This also would depend on the average price at Dantzic and other northern places. He had already stated his belief that this average was 24*s*.; but he would take it even at 30*s*. Allowing, then, 5*s*. for profit, 5*s*. for freight, and 15*s*. for duty (instead of the 12*s*. proposed by the noble marquis), this would make 55*s*. only; and yet a resolution proposed by the noble marquis himself, admitted that the English grower could not sell at less than 70*s*. The English grower must therefore come down to the price of the foreigner or not sell at all. He only wanted protection for the English farmer, no matter whether it was caused by a duty of 5*s*. or by one of 50*s*. It was indifferent to him at what price he sold, provided he could be ensured from the competition of the foreigner. And here he could not but express his surprise that the agricultural committee had not noticed the petitions for protecting duties on other articles of the soil besides corn. All that the agricultural classes wished was, that they might be allowed to live, to pay their taxes, and to support government.

Lord *Althorp* said, he entirely agreed in the principle of the amendment, and referred, as a proof of his assertion, to the various votes which he had given during the present session. At the same time he wished the House to go into the proposed committee—not that he looked upon the inquiry in which it was engaged as calculated to afford immediate relief, but that he thought the present corn laws so bad, that any of the proposed resolutions would be much better.

Mr. *Monck* said, that the only mode of relieving the present agricultural distress, was by an immediate repeal of taxes to a very considerable amount. He had heard much respecting low prices; yet even under these low prices, bread was 100 per cent dearer in England than it was in France. In 1792, and for the nine years previous, the price of wheat was 44*s*. a quarter. During the American war the price was 42*s*. a quarter, though for nine years antecedent it had been 46*s*. a quarter. There were, however, sufficient causes to account for the difference which existed between the state of things in 1792 and at present. In 1792, the charge for the national debt was 10,000,000*l*.; now it was 30,000,000*l*. In 1792, the naval and military establishments of the country cost 7,000,000*l*.; now they cost 18,000,000*l*. In 1792, the sinking fund, which circumstances rendered necessary, amounted to 1,000,000*l*. or 1,200,000*l*.; now it amounted to 5,000,000*l*. The poor-rates in 1792 amounted only to 2,000,000*l*; now they approximated to 7,000,000*l*. Upon the whole, the expenditure of 1792 did not amount to 20,000,000*l*.; now it amounted to 70,000,000*l*.; or, in other words, since 1792, the taxes and poor-rates had been nearly quadrupled. He maintained that the taxes and poor-rates entirely extinguished the profits of agriculture. It was idle to take off a million here and a million there. Nothing would do any good except a great and efficient retrenchment. He should, therefore, support this amendment.

Sir *R. Wilson* said, he had not hitherto remained silent on this momentous question of agricultural distress from any want of sympathy in that distress, but from the hope that hon. gentlemen would see the fallacy of attempting to relieve that distress by partial measures. Finding, how-

ever, that the measures having a tendency to raise the quartern loaf to half-a-crown and three shillings were seriously advocated in that House, he felt himself called upon to declare his sentiments. If the resolution proposed by the hon. member for Somersetshire were acceded to, the whole country would be alarmed with the apprehension of dearth; that apprehension would occasion discontent, that discontent, would give birth to fresh innovations on the rights and liberties of the people of England; and he had seen enough of a coercive government, and had suffered too much as its' victim, not, if possible, to withhold from it all pretext for increased action. He could not pretend to say what produced the present agricultural distress. The hon. member for Portarlington was of opinion that it arose from an over-abundant produce. He could not, however, bring himself to believe that this was the case. It had been said, and truly, that the corn in France had fallen in price. But notwithstanding this—had the farmer become a pauper or had sought alms? No such thing. Not only the farmer, but the peasant, was well fed in that country. He had never conversed with a peasant in France, who did not appear perfectly content with his situation; they had all three or four good meals a day. True, they sold their corn cheap, but then they purchased their leather and their salt cheap also; they could purchase wax candles cheaper than we could obtain tallow candles. He could go home without being pursued by the tax-gatherer. Could the English peasant or farmer do the same? In fact as to taxation, the situations of England and France were widely different. In France there was a population of 30,000,000, who paid between them a taxation of 34,000,000*l.* being little more than one pound per head. In England we had a population of 17 millions, but we were subject to a taxation amounting to 64,000,000*l.*, exclusive of tythes and poor-rates, making about 3*l.* 10*s.* per head. He wished that faith should be kept with the public creditor, but he was convinced that by a revision of the civil list, and of the general expenditure of the country, ten millions of taxes might be taken off.

Mr. *Hudson Gurney* said, that he could not vote for the motion of the hon. gentleman. In the present situation of the finances of the country, it was obviously impossible that the taxation could be diminished in the degree he had proposed. And even if it were possible, it would go to increase the present instant embarrassment, whatever relief it might prove hereafter. Every one at that time in the House must remember when the right hon. gentleman at the head of the board of trade brought in the present Corn bill, that the country gentlemen on all sides of the House loudly declared that in asking the monopoly of the corn market for themselves, they had not the slightest idea of raising prices; but that their lands if thus protected, would be so cultivated that prices would greatly fall, and that low prices were what they wished. The government looked further than the squirealty,—what they wanted being, to give the monopoly of the English corn market to Ireland. It was curious to see how the views of both parties had been fulfilled. The prices had fallen, to the utter ruin of the tenantry, and the infinite embarrassment of the landlord; while the Irish had sent all their corn to England for money, and had left whole counties in their own country, as it now appeared, to starve!—But, the real cause of the distress was, the altered value of the currency. The speech of the hon. member for Callington (Mr. Attwood) had been unanswered, and was unanswerable. We are now told, that the best wheat sells for 55*s.* a quarter—that it did sell for 106 shillings. But, let any body look back to what the shillings then were, and they would see that the bushel of wheat now exchanges for nearly as much pure silver as it did then.—Mr. G. said, that, though not at the time a member of the House, he happened to be in the gallery when the present master of the mint brought down his propositions for the new coinage of silver. When the hon. gentleman he now saw below him, the member for Tavistock, then member for Grimsby (Mr. J. P. Grant) was the only man in the House who foresaw the consequences of that first operation; who told them they were ignorant of what they were doing; and who distinctly then forewarned them of all the difficulties and all the distresses which had since ensued.—As to what ought now to be done, his majesty's ministers seemed completely at a loss,—the House in perfect ignorance. For himself, he did not pretend to have the slightest idea. But he owned that from their proceedings he was driven to fear, rather than led to hope. Stir which way they might, they were more likely to do mischief than

good. But, the only three things in his opinion, they *could* resort to, would be, to put a great seignorage on the coin—to substitute a free trade to a commerce shackled and manacled every way—to take off all taxes very burthensome or very vexatious in their collection, and to replace them by a fair and adequate property tax.

Mr. *Western* agreed, that the most effectual relief for the distresses of agriculture would be found in a reduction of taxes, and his hon. friend's motion should therefore have his decided approbation. But he was equally anxious to press upon their consideration, a repeal of that act (Mr. Peel's bill) which had increased that distress beyond any thing contemplated at the time by the promoters of the measure. Until they had fully grappled with that bill, it would be in vain to seek any remedy. To discuss any scale of prices or measure of duty, without looking steadily at that bill, was to place the subordinate before the primary consideration. To talk of price until they had ascertained the measure of value they had to give, was quite delusive. The price they had first to settle, was the price of money [Hear, hear], and that would regulate all the other measures. Did the House think the industry of the country could bear this oppressive accumulation arising out of the act of 1819? The noble marquis had said, that the price of Dantsic wheat was 45*s*. per quarter; and he had mentioned that sum to found upon it his measure of protecting duties; but the noble marquis forgot that the 45*s*. which he had named ought to have been estimated according to the depreciated currency of this country: he had not named the real or cost price, but an assumed value to be measured upon a depreciated currency. It by no means followed, if that allowance were made, that 45*s*. must be the price to the Dantsic grower. He might, and no doubt would, grow at 30*s*. and have a profit in the bargain. He could not too often repeat, that the higher the money price of corn the lower would be the labour price in real effect. By raising the money price of corn, they would practically lighten the weight of taxation, and reduce the real price upon the labourer. He disclaimed any desire to raise the price of any of the articles of life upon the labouring classes: but their condition would be materially improved, if the whole subject were reconsidered in the manner he had mentioned. The immense weight of charge upon the country could not be borne, according to the standard of value unfortunately fixed in 1819. Without a reconsideration of that measure, any attempt to afford relief was impossible. The bill of 1819 was the greatest calamity the public had endured in modern times. He for one would not refuse a permission to import foreign corn, if the state of the country required its introduction; and he would take the average of the last 20 years, for the purpose of regulating the nature of that importation. Care should be taken that the admission of foreign corn was confined to the necessity of the case, and that it was not permitted to overwhelm the British agriculturist at the moment when the country had no necessity for the aid of the foreign grower. It would be most important to govern that necessity, and not to place England as a dependent upon other powers for any considerable share of the supply of the necessaries of subsistence.

Mr. Secretary *Peel* said, that the hon. member had objected much to the bill in 1819. Now, as it was the intention of the hon. member to bring that measure separately under the consideration of the House, he should feel it unnecessary to say any thing further upon it at that moment. The question involved so many important considerations that it ought not to be mixed up with the agricultural question. It was obvious that any alteration in the existing standard must go to alter all the contracts that had been entered into since 1819; and the consequent mischief must be evident to every one. If it was correct that under such an accumulation of burthens and privations, the taxation which bore upon the agricultural interest, had increased in the ratio of 40*l*. per cent, he was impressed, more than ever, with an idea of the immense resources of the country and more than ever anticipated her gradual but certain recovery from temporary depression.

Mr. *John Williams* addressed the House for the first time. He said, that if he thought that in now presenting himself to the notice of the chair, he was at all interfering with, or delaying the consideration of, the relief to be extended for those distresses which the House was called upon to remedy, he should think himself without excuse. But, it was only because he believed that his duty obliged him to assign his reasons for supporting the motion of his hon. friend, and that by such a

course he was not opposing any measure that could afford present relief, that he offered himself to the notice of the House. What was the language of the petitions, under the accumulated burthen of which their table groaned? It was not that the petitioner asked for some distant and speculative relief—for some modification of this or that system—for some specific alteration of the corn laws, which might affect the rising generation, when the present race of corn-growers was swept away; but their language had undeviatingly been, that they required to be instantly relieved, or must die. What was it to the sufferers of the present generation, whether the plan of the right hon. gentleman, or some other, at a more distant period, should or should not be adopted. Since the noble lord's experiment had been withdrawn, an attempt had been made by an hon. gentleman near him, and by an hon. baronet, to praise it, and if possible, to give it an adequate panegyric. For that experiment, none other had been substituted, possessing any thing like an immediately remedial aspect. What then, was the present complexion of the affairs before the House? In proportion as the wisdom of the wise was found to be deficient, there was abundant reason for their recurring to the plain, homebred, direct, and forcible language of the petitioners themselves. What had that language been? Of all the petitions on this subject which the House had heard, there was not one that had submitted more than one or two remedies; and these were a reformation in the Commons House of parliament, and a reduction of taxation. As to the first of these suggestions, after the decision which the House had so recently come to, he would be the last man to revive the discussion; but this he would say, that he heartily regretted that he had not had an opportunity of adding one name to the minority upon that occasion. But as to taxation, would any body say, that its reduction would not have some effect upon the distress? He begged to be understood as speaking, not of any definite amount of reduction, but of the necessity of reducing. If gentlemen should say, that its amount must necessarily be but small, he should answer, that even in that case it would be better than none. If he should be told, that the repeal of the tax upon leather, upon salt, upon candles, would do but little in the way of reduction, his reply would be, that still it would do something—that it would be advancing a step towards the only effectual remedy for the evil. But the proposals which were before the House could have no operation except to mislead the public opinion and to withdraw from the people that which they had hitherto possessed—a manly fortitude. Was it that parliament could devise no effective remedy? If that House had really no remedy to apply, it would be much better manfully to avow the fact, and to state, that as this was the case of distresses such as had never before arisen in the country, so the wisdom of parliament was incompetent to provide a remedy for them. Was it not, however, clear, that to remit taxes must be to afford relief? Did any man mean to say, that much, very much, might not yet be done in the work of reduction? Was that a lesson which ministers had still to learn? Would any one assert that this was a doctrine which was self-taught, or innate in those ministers, or in any others? Not only was it not innate in them, but he would go further, and say, that government began to practise it, just at the precise moment when gentlemen who had the misfortune or the happiness to have constituents began to desert the government; and when the latter found it to be no longer advisable to disregard the remonstrances of those constituents. Ministers began to practice the doctrine of effecting a saving in the expenditure of the country, at the precise time when parliament began to be sparing in supply. Mention had been made of the expenses of our colonies; and here, again, a fair field was open for reduction. Such colonies as did not repay to us the expenses we were put to on their account, or for the support of which there did not exist some paramount political necessity, ought to be abandoned. There was another species of retrenchment which was abundantly open to the House. It was one which he did not speak of as in its nature pleasurable; but this was a moment of necessity, when such considerations were not to weigh with the House. He alluded to a reduction in the allowances or salaries of all those persons, from the highest to the lowest, who were paid from the taxes raised upon the country. Lamentations had been uttered, that that House was receding, day after day, from the favour, approbation, and good will of the people of England. He knew not what other means might be suggested for reviving those feelings in the people;

but he conceived that their good-will would never be regained, until motions like that of his hon. friend should be favourably entertained; until the House insured their regard and confidence, by manifesting an anxious desire to alleviate their distress; or (which he considered to be the only other alternative) until parliament should revive its too long antiquated practice, the power of control over the supplies. Feeling, therefore, that no other direct remedy was now proposed; feeling also, that the motion of his hon. friend, if carried, would certainly go to re-establish the confidence of the people in that House, he had great pleasure in supporting that motion.

Mr. *Philips* said, that because the motion went to recommend a reduction of taxes, he would give it his support. The ground upon which he had felt, at the close of his hon. friend's speech, that he could not vote for his motion was, that he had supposed him (Mr. W.) to have insisted upon such a reduction of taxation as could not be effected without defrauding the public creditor. As his hon. friend appeared to disclaim these intentions, he would support his motion. An hon. friend had recommended a return to a depreciated paper currency. Now, the country having most wisely adopted a metallic currency, it would be worse than inexpedient to go back to one of paper. The present agricultural distress arose from the charges which now fell on the farmer which he had not formerly to sustain. These made the prices which would formerly remunerate him insufficient. His tithes had increased—wages had increased—poor-rates had increased—and his taxation had enormously increased. Tithes and wages had in some measure settled themselves; and poor-rates had been reduced in something like a proportion to the diminished price of provisions. To him, therefore, it appeared, that the only way which the agricultural interest could be relieved by parliament, was, by the remission of taxes. The circumstances of the country were such, that the public expenditure must be reduced. That House ought not to rest satisfied with voting against the continuance of two lords of the admiralty, or with doing away one of the post-masters-general. They ought to carry retrenchment and economy into every department.

Sir *I. Coffin* said, that a gallant member seemed to consider that Frenchmen were much better fed than the people of this country. Now, he had been in all parts of France, and had seen nothing but what led him to come to an opposite conclusion. It was not going too far to say, that an English farmer eat as much at one meal as a Frenchman consumed in four. The nobility, gentry, clergy, and yeomanry of England, were better off than those of any country in the world.

Mr. *K. Douglas* said, that diminution of taxation, though good in itself, would, if carried to too great an extent, prove very injurious. He disapproved of a motion which sought the attainment of a particular object by a side wind.

Mr. *Curwen* would vote for the motion, because it called for a remission of taxes. He feared the period was not very remote, when the only means that would remain for saving the agricultural interest would be, to call on the monied interest to bear a part of the burthen. He should, therefore, infinitely regret that any remedy should have been omitted to be applied for the purpose of averting such a calamity.

Mr. *Denis Brown* rejoiced in the motion having been made, as it would afford the House an opportunity of proving in what light it beheld a proposition which would go to prevent the dividends from being paid, and lead to a revolution.

Mr. *Beaumont* said, the only way to prevent a revolution would be, to relieve the country from the distress under which it laboured; and how were those difficulties to be removed but by the repeal of oppressive taxes?

Mr. *Brougham* would support the motion, not because it had a tendency to prevent the House from going into a committee, but because the motion put in issue a principle of great importance.

The Marquis of *Londonderry* wished the House to bear in mind the general principle for which the hon. mover was disposed to contend, namely, a remission of taxes to the amount of 20,000,000*l*. It would be well that those who thought of giving the motion their support, should first consider whether they were disposed to favour the confiscation of property to that amount. The committee ought to know what was meant by those who voted for the motion.

Mr. *Tierney* said, he was quite as much averse to revolution as the hon. gentleman. The motion did no more than establish a principle; and he could have no objection to it, unless it had the effect

of putting an end to the discussion of the resolutions. Whatever their merits, it was admitted, that they would give no immediate relief; whereas the amendment was calculated to produce that effect. If he were asked, whether it ought to have been brought forward now, he should answer in the negative. If sufficient notice had been given, a fuller attendance might have been obtained. He should not vote for it, because he thought that 20 millions of taxes might be taken off; nor did he support it because he thought it would endanger public credit; but because, in the words of the resolution, immediately to reduce taxation would be "the best and most effectual relief to the agricultural interest."

Mr. *Bright* thought, that a great reduction of taxes was necessary, might be made, and would afford very considerable relief.

The *Chancellor of the Exchequer* said, it was generally understood that those who voted for a motion acquiesced in the arguments by which it was supported—[Cries of "No, no!"]. Those who did not do so would do well to avow their motives; and he was glad that so many had done so, to avoid being thought favourable to a proposition which was revolutionary in its tendency.

Mr. *Powlett* supported the motion, but wished to qualify his vote as to the amount of taxes which it was practicable to reduce.

Mr. *Benett*, of Wilts, did not concur with the hon. mover in any thing but the vote he should give. As the greatest relief might be afforded by lessening the weight of taxation, he was, almost against his will, compelled to support the amendment.

Mr. *T. Wilson* was disposed to vote for the remission of taxation to the utmost extent to which it could with safety be carried; but the present motion was brought forward under circumstances so deeply affecting the honour and good faith of the country, that he felt it to be his duty not only to vote against it, but to call upon every reflecting man to pause before he gave a vote for a proposition, which might be productive of infinite mischief.

The House divided: For the amendment 37; Against it 120. Majority 63.

List of the Minority.

Allan, J. A.
Barret, S. M.
Brougham, H.
Blake, sir F.
Beaumont, T. W.
Birch, J.
Bright, H.
Benett, John
Bernal, R.
Coffin, sir I.
Creevey, T.
Crespigny, sir W. De
Chaloner, R.
Curwen, J. C.
Denman, T.
Dundas, hon. T.
Fitzroy, lord C.
Fergusson, sir R.
Guise, sir W.
Griffith, J. W.
Graham, S.
Hornby, E.
Heron, sir R.
Hume, J.
Lennard, T. B.
Maule, hon. W.
Monck, J. B.
Philips, G.
Power, R.
Powlett, hon. W.
Palmer, C. F.
Sykes, D.
Sebright, sir J.
Tierney, right hon. G.
Williams, John
Western, C. C.
Webbe, colonel

TELLERS.

Wyvill, M.
Wilson, sir R.

PAIRED OFF.

Gurney, R. H.

The House then resolved itself into the committee; and the adjourned debate being resumed,

Mr. *Benett*, of Wilts, addressed the committee. He said, that the act which had restored cash payments had virtually added 35 per cent to the taxes and to the private debts of individuals. He thought it would yet be necessary for them to retrace their steps, or the country could never recover from its present depression. It was said, that the present corn bill had given the agriculturists a monopoly; but he could never discover that it had benefitted the landed interest. It, indeed, prevented the importation of grain for a time, till the price rose to 80*s*., but when the ports opened, it subjected the country to an inundation of foreign grain, from which it could never recover. Whenever the price of corn should again rise to 80*s*., besides throwing open the ports, the present bill would cause foreign corn to the amount of a million of quarters to be thrown on the country. He therefore contended, that a protecting duty on foreign corn was necessary; and he could not conceive on what grounds this could be opposed by those who were friendly to a free trade in grain, and who wished its price to be low. What they had to do then was, to ascertain the price at which the protecting duty could be equitably imposed. The price of wheat in the foreign market very much depended upon the fact whether the ports of Great Britain were or were not open; and on this account, as well as others, it was extremely difficult to ascertain the real price on the continent. The first point was the cost of production abroad. He had taken considerable pains to learn the

price at which sales had been made in the Baltic, and his information differed materially from that of the hon. member for Portarlington. Mr. Solly, in his evidence, indeed, had said, that it would cost 2*l*. 16*s*. per quarter if brought from the interior of Germany; but he might just as well have said from the interior of India. Why was it necessary to bring it from the interior of Germany? [Mr. Ricardo said, "Poland."] Whether it were Germany or Poland was not of much consequence. He had been favoured with a detailed statement of the prices at Memel in January last, by which it appeared, that the average was 33*s*. 10*d*. He therefore made his calculation thus—Price of the wheat 1*l*. 14*s*.; freight and insurance 4*s*.; landing and warehousing 2*s*.; profit at 15 per cent 3*s*.; duty 1*l*. 4*s*.; in all 67*s*. This was the protecting price he proposed to fix. The foreign importer would be able to bring his corn to market at 67*s*.; and if British wheat were sold at that price, it would give merely the rents of 1792. One circumstance had been omitted in all the calculations, viz. the over-measure. The committee had had one honest man before it, who told them what the over-measure amounted to, and hence it appeared that it gave 5 per cent additional to the profit of the importer, making it in the whole 20 per cent, whereas he (Mr. B.) had only calculated it at 15 per cent. It might be asked, why the land-owner was to receive the rents of 1792? In the first place, because, like the merchant or manufacturer, he was entitled to a fair profit on his capital which was invested in land. In the next place, because it was a favourite year of reference with many gentlemen on the score of retrenchment; and thirdly, because the currency was then, as now, gold. It was admitted on all hands, that the farmer was entitled to protection to the amount of taxes he paid beyond what were borne by the foreign grower. Now, the taxes, tithes, poor-rates, &c. on a quarter of wheat, amounted to 1*l*. 10*s*. 8*d*. the quarter; but he (Mr. B.) only claimed protection for the farmer to the extent of 24*s*., allowing 6*s*. 8*d*. as the cost of importation. It was his decided opinion, that the community might be better fed by the British farmer, than by the British merchant. On a series of years the British farmer could also do it more cheaply than the merchant, who relied on foreign supply. Cultivation, therefore, ought not to be discouraged. The object of the legislature of every state ought to be, to make the people as happy and comfortable as possible? To make the inhabitants of these islands merely a manufacturing people — to set them to work machinery — to withdraw the peasantry from their present healthful occupations —to reduce and deprave the yeomanry, the shopkeepers, and the gentry of the country now residing on their estates, might add to the temporary riches, but could add nothing to the permanent happiness of the people. The example of Holland, according to Adam Smith, showed that in such a manner the real interests of a state could never be promoted. Hitherto the nation had mainly depended upon itself for food, and it ought to do so still; for what, he would ask, would have been the situation of Great Britain during the late contest, had it been otherwise? She must have been compelled to accept any terms the conqueror of Europe thought fit to impose. The noble marquis opposite had contended, that it was impossible to force a duty of 24*s*. a quarter on wheat imported. Had the House heard any objection to the imposition of such a duty? Had any petitions against that duty been presented from any part of the country? The whole country was anxious that the landed interest should have such a protection as was necessary; and a duty of 24*s*. per quarter was not more than enough. Surely it was not right to say that any measure which was intended for the good of the country was meant by the House of Commons to be forced on the people. An hon. member had cautioned the House not to lean too much to the landed interest. Now, had they ever seen any particular leaning to that interest? The landed interest had lost its weight in that House, and it never would regain it until it sent individuals to parliament who, divested of all party feelings, would conscientiously take care of the interests of those by whom their own estates were occupied. The landholders had acted upon a narrow principle. They had never offered any particular objection to measures introduced exclusively for the protection of trade and manufactures. They had a short time ago agreed to a measure relative to the silk trade, which gave to the British manufacturer a perfect monopoly of that trade; and it should be observed, that silk was naturally a foreign, not a British fabric. Again, they had

agreed to a bounty on the exportation of linens, and a prohibition on their importation. The hon. member for Portarlington—(and no man admired the justness of his political theories more than he did)—had observed in one of his publications, that all bodies should be allowed protecting duties, or none. Now, without meaning any thing invidious, he should be glad to know on what pretence were protecting duties refused to the land-owner, while they were lavished on the manufacturer? He asked for nothing but justice. He only desired, that the same protecting duties should be extended to the land-owners which were granted to others. He should be as glad as any political economist of the present day, to see a free trade established; but, under the existing circumstances of the country, he believed it would be impossible to establish it. If the fundholder could pay himself—if all the taxes could be defrayed—and the great burthens of the country supported by means of a free trade, then, indeed, every protection, might with propriety be refused to the landholder. But, so long as the fundholder was obliged to look to the landholder for the security of his debt, he could see no reason why the latter should be excluded from a fair protection. He would request the fundholder to consider, what benefit he had derived, and was deriving, from the measure commonly called Mr. Peel's bill. That measure had certainly conferred on them a benefit of from 30 to 40 per cent. That measure had occasioned a very great change of property. It had taken the land from the landholder, and transferred it to the fundholder. Many gentlemen were aware of this circumstance, but no one knew it better than he did. The stockholder or money-jobber would, he supposed, make a very good landholder in time. That class of persons were now taking estates out of the hands of families in which they had been preserved from generation to generation. This system might go on for some time. The Treasury would have its receipts: as the old landlord went out, a new one would come in; the former could not pay taxes, the latter could. But, would the country allow such injustice to be practised against so large a body as the landholders of England? Such a system could not continue. The landholders had borne all the evils which had been poured on them with great patience—so patiently, indeed, that they had been compared with their own sheep. But, patient as they were, they would not suffer themselves to "fall to cureless ruin," without making some effort to retrieve themselves. It was cruel, that men, who, during a long war, had behaved themselves with so much public spirit—who had showed that they loved the constitution of their country, and were ready to sacrifice their lives in its defence—it was cruel, that such men should be reduced to their present calamitous situation. The hon. member concluded by stating, that he would not propose his resolutions until the House had decided on those of the hon. member for Somersetshire and of the noble marquis opposite.

Mr. *Cripps* said, that amongst the number of plans which had been submitted to their consideration, it was impossible to find one that could be wholly approved of. They were, therefore, called on to decide which of these six evils—for he believed there were six sets of resolutions—was the least. Much had been said about the good effects which would be produced by a remission of taxation. Now, a reduction of 8*s.* a quarter had taken place on malt and barley, and malt and barley had fallen in price ever since. A hope was entertained that this remission would have produced an increased consumption and an increased price; but it had totally failed. With respect to the measures now before the House, there was not one that could do permanent good to the agricultural interest, except that proposed by the hon. member for Somersetshire. But still he could not support it; because, if a measure were carried in conformity with his plan, the table of the House would be loaded with petitions from those who must be materially affected by it. He agreed that the agricultural interest alone was not depressed, but that every other body in the state felt the pressure of the present period. Some gentlemen had complained of the operation of the corn law. If that law had given the British farmer a monopoly, surely it was not prejudicial to agriculture. It appeared that no foreign imports had affected the price of the corn market. He therefore inferred, that the corn bill had, up to this time, secured a monopoly to the British farmer. The only danger, then, to be dreaded was, that should corn arrive at 80*s.* per quarter, there would be an inundation of foreign grain. That ought to be prevented, and

therefore he should vote for the resolutions of the noble marquis, although he wished the importation price to have been rather higher. The resolutions of the hon. member for Portarlington, he considered as the next best; but these, if the price of grain should advance, and if there should be a large crop elsewhere and a scanty one here, would leave the farmer without protection. The House could do no other than negative the resolutions of the hon. baronet. He was sorry they could not be carried; but this was impossible without bringing all the other interests of the country before them as petitioners.

Mr. *Brogden*, the chairman, suggested, that it would tend to simplify the proceedings of the committee, if the several propositions were submitted to them *seriatim*, beginning with the highest scale of duties, instead of taking the sense of the committee on the several amendments.

Mr. *Bankes* said, that the hon. baronet (sir T. Lethbridge) thought the present period peculiarly favourable for legislating on the corn laws; because the price of corn being very low, there was no danger of any person opposing the agricultural interest. But, he requested those who entertained this opinion to read the resolution of the committee of last year, and say, what there was in the present system of the country which should induce the House to form a different opinion from that which they then entertained? The House had received a specific recommendation from that committee not to legislate at all upon the subject. The only circumstance that could induce him to legislate, would be, if there was any prospect of the price of wheat reaching 80*s.*, so as to allow an importation of foreign corn; because, if that occurred, such an inundation of grain would be poured into the country as the present land-owners never could recover. An hon. baronet (sir F. Burdett) seemed to think, that the importation of foreign corn ought to be allowed. But, with the exception of his solitary opinion, all other persons thought that the importation of foreign corn was an evil that ought to be guarded against at almost any risk. He was willing to leave the farmer under the protection of the act of 1811; and, should, what was scarcely within the verge of possibility, the price rise above 80*s.*, then he would legislate so far as to prohibit the importation of foreign grain for a given period. Suppose the measure were to extend to the 25th of March next, the House would then be sitting, and could take such farther steps as might be necessary. He believed there were now 700,000 quarters of foreign wheat in the country. The quantity placed in warehouses last year, almost doubled the quantity imported in ordinary years. There was, no doubt, a superabundant crop of corn in this country in the year before last; but he doubted whether last year there was even an average crop. The British market was in an unnatural state, and he believed all the foreign markets were in the same situation. He would then ask, was that the time to legislate with respect to the price to which the importation of corn should be restricted? They ought to wait until the markets were in a natural state, and then they could consider at what price corn might be imported, and under what duties, if duties were to be imposed at all. Suppose the ports were opened by an accidental rise of price to 80*s.* In that case, he confessed he knew not what duty he could venture to propose, by which the agricultural interest could be preserved. To maintain the duties of the hon. baronet would be impossible. When the quantity of produce was of such amount that the demand had no control over it, permanent relief could only come from the operation of the seasons, or from those changes to which our uncertain climate was so subject. Periods of several successive years together, or what were called cycles, during which the seasons were uniformly unfavourable, sometimes occurred. The years 1709 and 1710 were portions of one of these cycles, in which corn rose to considerably above double its ordinary price, and was as high at one moment as 3*l.* 18*s.* 6*d.* per quarter. From 1740 to 1745 was also an interval during which, as well as in 1756 and 1757, the price of corn reached a great height. The present act had been fully discussed for two sessions, when the only difference was as to the extent of protection; and yet it now appeared to have done infinite mischief, instead of benefit to agriculture. This should warn them against legislating prematurely, or without necessity, on a question like the present. On the subject of the corn trade, principles were now carried to an extreme, as if every restriction ought to be removed, and we should become citizens of the world. The hon.

baronet (sir F. Burdett) wished for a perfectly free trade in corn, and even argued that it would give relief to agricultural distress. But this principle, if acted upon, must necessarily lead to a free trade in all articles of manufacture, and in all raw materials. Now this might be right, but it was not the system under which the country had acquired its wealth and power. That system was one of restriction, upon all articles of home produce, and upon none more than corn. They might be much wiser than their ancestors; but he was not disposed to consider them such fools as modern philosophy would make them out to have been. They had been wise enough to make a little country a very great one, and to acquire for it fame and power far beyond the apparent proportion of its means and resources. A free trade in corn must necessarily make our imports larger, and if we had greater imports we must become more dependant upon foreign countries. There would be some hon. gentlemen old enough to remember that at the beginning of the present century, great alarm existed on account of scarce crops, the increase of prices, and an apprehended inadequacy of the home produce to meet the consumption. It was now curious to see the sudden, absurd, and, as he thought, unreasonable change which had taken place in the general opinion. At that time it was considered a matter of great triumph that a hundred enclosures had taken place in one year, and all our attention was turned to bring the produce to an average supply. He did not wish this feeling to have changed. He should consider it to be a public calamity if one acre of the land so enclosed should be now thrown out of cultivation. If they refused to protect agriculture, the question was, whether they would turn the country from an agricultural one to a manufacturing one. At the present time there was an evident tendency to this, and he thought the country was more manufacturing than was good for it already. He was disposed to give all just encouragement to agriculture, in order that capital should not be withdrawn from the land. Some hon. members said, that if capital would not pay in agriculture, it might be put somewhere else. He would ask them where it was to be employed? Our manufactures were, he hoped, as they had been stated to be, in a state of activity and prosperity. But he deemed it impracticable to increase them, in any considerable degree, without general detriment. It was fearful to contemplate the inroads that had been made upon the capital employed in land within the last five years; and that made it necessary that they should protect what remained. By encouraging foreign agriculturists instead of our own, they would be reducing those who had formed the strength of the country to irretrievable ruin. This must be the result of the liberal doctrines of the day, if they were adopted and acted upon by the House. The alteration in the currency had, to a certain extent, operated to keep up the distress; but its effect had been greatly exaggerated. With regard to that, as well as taxation, being the chief causes of distress, he had never heard any reasons advanced why they ought to be treated in any other than the lightest manner. Since the close of the war 18 millions of taxes had been reduced and that without affording relief to agriculture. The greatest further remission which he had heard proposed was that of five millions; and what benefit could be expected from that, after the experience they had seen. The hon. member concluded by reminding the House of the fable of the bundle of sticks, and conjuring them to hold the interests of the country bound up together. If they did so, they would be safe. But if they became disunited, and suffered the political economists to pull one out of the bundle, they would all be broken up. Let them look to agriculture as the chief stick, and protect it as far as lay in their power. But above all, let them continue to follow in the course by which their ancestors had made a small country become a great one, and he had no doubt but they would eventually triumph over temporary difficulty, and remove every obstacle in the way of permanent prosperity.

Mr. *Huskisson* said, he would state very shortly the course which he had taken during this session, and his motives in tendering the resolutions which he had offered. It was known, that he had abstained altogether from attending the agricultural committee this year. He felt great satisfaction in hearing his noble friend say, that, after the treatment he had experienced from several members of the committee of last year, he was fully justified in abstaining from its duties this year. Of the report of this year he would

say nothing; but if there was in it any of that mystification so falsely imputed to the report of last year, it was very short, and what the French would term, a mystification of themselves. Of the former report he would say, that in its principles its view of the law of 1815, its general view of what was fit to be done with respect to the corn trade, he perfectly agreed, and for these he held himself responsible. To some of its recommendations he did not agree; and of them he said nothing. It was further a great satisfaction to him, that his noble friend felt his mind still alive to the principles of that report, and admitted them to be those by which their proceedings ought to be regulated. But his noble friend was for a modification. He would not go into the difference of opinion between them. There was no difference anywhere as to the effects of the corn law on the community. They were admitted by the sages who watched the agricultural interests in a neighbouring tavern, and by the political economist who studied them in his closet. Whatever ridicule might be attempted to be thrown on political economy, it could not be discredited. It was the result of general principles warranted by observation, and constituted the guide in the regulation of political measures. After all the obloquy to which he had been exposed in consequence of last year's report, he had offered his resolutions in order to absolve himself from all responsibility for the consequences of the present corn laws, for the destruction of capital in agriculture, already carried to a fearful extent, and which he imputed mainly, not to importation, but to a monopoly. Desirous of protecting himself from the responsibility of the evils which would follow, he had recorded his opinions, and having done so, he should leave them to be dealt with by the committee as they thought proper, without entering into any discussion upon the different practical measures under their consideration.

Lord *Althorp* could not agree with those who thought that the present was not a proper time to legislate on the corn laws; for if, as had been recommended, they were to prevent the importation of foreign corn till the 25th March, the consequence must be that the price would rise next year, and that the subject would then come under discussion with greater inconvenience. He had looked at the evils of our agricultural interests; and the main source of those evils, he believed to be the great fluctuation of prices. A remunerating price would be the great object, and the true remedy. What he complained of in the present law was, that it created the fluctuation of price by artificial means. The great corrective would be the introduction of a system that would give to the agriculturists a steady price. From 60*s*. to 70*s*. a quarter would, in his opinion, give that steady price; and at such a rate the consumer would not be placed in a worse relation than he was placed by the present corn law. The evidence of Mr. Solly went to show that a demand of foreign corn here must necessarily increase its price. He might say, that when wheat was 60*s*. here, it would be 50*s*. at Dantzic. But then it was said that a lower quality would be imported. That was an idle assumption; when duties were imposed, the importer knew his interest too well, not to import the best quality. Mr. Solly had stated that 45*s*. a quarter, was the lowest remunerating price at which foreign corn could be imported. Taking that price, he should have no objection to a protecting duty of 20*s*. But after all, the only remedy to the farmer was in a diminished taxation. He agreed with the hon. member for Callington (Mr. Attwood), who in his most able speech of last night, had so justly stated, that it was impossible, when the grower of agricultural produce received but the half of the price which he was wont to receive, that he could pay a scale of taxation imposed, when the prices of that produce were as much more. Whatever might have been said to the contrary, it was now well understood that the depression was equally felt in most of the important branches of our manufacturing interests. Witness the recent disturbances in Staffordshire and Monmouthshire. These disturbances proved, that the wages of the labourer were low, and the profits of the manufacturer short. Let the House then consider what the effect of any duties higher than a remunerating price to the grower of corn must have on manufacturing concerns thus situated. Under such circumstances, these manufactories must cease. He was much surprised at the manner in which this grave subject had been introduced by the noble marquis. The noble marquis had introduced his first resolution with a levity that was not very suitable to the subject; and had abandoned it

with an indifference that was not a little extraordinary. In the present state of agricultural depression, however men might doubt as to the means of relief, all must acknowledge that it ought to have commanded the most anxious consideration of his majesty's government. With regard to the drawbacks on exportation, he considered that an advantageous proposition: but he thought a much larger amount should be granted. The expense of transporting corn abroad was at least equal to the expense of importing it from foreign countries. Such a bounty would, in the first instance, take money out of the pockets of the people; but it would operate as an efficient check to that main evil to grower and consumer, the fluctuation of prices.

Mr. *Gooch* said, he had unfortunately given offence by stating that the report of the agricultural committee was a mystification. He really considered that report drawn up with talent; but it was not a report which could afford much instruction. He lamented that any party spirit should pervade the House on this subject, yet the abandonment of one resolution by the noble lord was certainly ground for the attack made by an hon. baronet. He wished the first resolution moved by his noble friend had been agreed to, as it would have relieved the country from the glut in the markets. As to any sweeping measure for the relief of agriculture, he did not believe there was any possible chance of giving relief in that way. All they could do was, to stem the torrent of mischief, which was inundating the country. All they could do was to prevent a fluctuation in the prices of corn which kept the farmer always in a panic. He agreed in the third resolution, which declared that the ports ought not to be open till wheat came to 75*s*. The protection of all he wished was, that the farmers should be placed in that relation to the other classes, which would be for the honour of the country. He admitted that a reduction of taxes would be a relief; but we were still to keep faith with the public creditor, and the removal of half the taxes would not remove the agricultural distress.

Sir *T. Lethbridge* repeated, that a protecting duty of less than 24*s*. would not be sufficient for the farmer. The resolution which he had moved would guard against that fluctuation of prices which was so injurious, by the insecurity to which it exposed agricultural capital. It was most unfair to talk of returning to the prices of 1792, when we looked at the taxes of 1822.

Mr. *N. Calvert* did not think that any immediate relief to the agricultural interest could result from the present measure. It was necessary, however, to alter the existing law in order to prevent the great fluctuation of prices that would proceed from opening the ports. The protecting duties might effect that object. He had no great favour for any of the plans; but he thought that of the hon. member for Cumberland preferable to any other.

Mr. *Irving* said, he would support the resolution, as he was not disposed to leave the noble lord in the lurch. But he left it to the noble lord to prove his consistency, by distinguishing between the principle of the resolution which he had called on him (Mr. I.) to acknowledge, and that which he had himself submitted. The only difference between them was, that the resolution of the noble lord was inadequate, and ought never to be resorted to at all, while the other would have relieved the existing pressure of distress. If his resolution had been absurd, he was not chargeable with its absurdity, but the committee. He did not think it was absurd, and would submit it again. Though it might be in opposition to the principles of political economy, yet it was justified by the circumstances of the times. He did not approve of any of the plans proposed, but he thought that of the noble marquis the least objectionable, and would give it his support.

Sir *N. Colthurst* observed, that there were other kinds of agricultural produce, which were entitled to protection, besides corn. He would mention butter, and meant to propose a resolution to that effect.

Sir *W. W. Wynn* expressed himself in favour of protecting duties, because without them he conceived, if the ports should open at 80*s*., there would be such an influx of foreign grain as would injure the agriculture of the country for many years.

Mr. *Griffiths* wished to know whether, according to the popular doctrine of superabundance of corn, there was likewise a superabundance of all other articles of agricultural produce; seeing that live stock had fallen in price proportionably to grain. If there was not likewise superabundance of these latter—a proposition

which he did not think would be maintained—the cause assigned for the distress of the landed interest could not be substantiated. The change in the value of the currency, and the increased pressure of taxation, from the payment of taxes by a medium of increased value, appeared to him to be the real causes of the embarrassments experienced by the agriculturists. The commercial, trading, and manufacturing population did not suffer so much; because they found a compensation for the change in those low prices of the necessaries of life, which ruined the farmer. The poor-rates, a burthen that pressed peculiarly on land, amounted still to 6,000,000*l.*; and this was a load which the other classes of the community did not equally share, but should be called upon to do.

Mr. *Brougham* said, that the question before the committee was, whether any and what changes ought to be made in the existing corn law? Now, among all the various opinions delivered to the House, he had heard but one in favour of the law as it stood. All who had spoken thought that nothing could be more injurious in its consequences than the act in force. The two objections to it were, that it prohibited importation till a certain price was attained and then permitted unlimitted supply, and that it likewise embraced the system of averages. The question was, did any of the propositions before them get quit of these objections, and what ought to be substituted in the place of regulations so condemned? The noble lord's plan was liable to both objections; for it fixed an importation price, and required the striking of averages. The right hon. gentleman's plan was open only to one. He fixed no importation price, allowing the trade to be free on paying duties; but he established averages. His hon. friend, the member for Portarlington had proposed a plan which was liable to neither of those objections. He proposed, that as soon as the price of corn should reach 70*s.*, the trade in that article should be permanently free, and that a fixed duty of 10*s.* should be permanently imposed upon importations, with a bounty or drawback of 7*s.* upon exportations. The duty proposed by his honourable friend commenced at twenty shillings and went on diminishing one shilling every year until it was reduced to 10*s.* To the principle of this plan he had no objection; but he was inclined to think that his hon. friend had taken the scale of his duties, or rather his permanent duty, at somewhat too low a rate. At the same time he considered the duties proposed by the members for Wilts and Somerset were too high. It was curious to see how extremes met. His hon. friend and himself, who rigorously maintained the expediency of a free trade, were now going to legislate on the same principle with the member for Somerset, who was not disposed to look with much compassion on the principle of a free trade, and who had expressed himself with great and unmerited acrimony against political economists. [A laugh.] He thought the member for Somersetshire ought to have abstained from censuring economists, because on the present occasion he had proved himself to be one, and of the same school with those he blamed. The principle difference between them was with respect to amount of duty, but certainly was a very important one. The member for Somersetshire desired a protecting price of 80*s.* He would here just allude to the operation of the change which had taken place in the value of currency. The price of 80*s.* which was now demanded would, by the change in the value of the currency, be equal to 100*s.* and more a few years back. Now, if any one in 1814 and 1815 had asked for a protecting price of 80*s.*, even the member for Somersetshire would have said that such a price was more than the agriculturists had a right to expect. He would state the reason why he thought the permanent duty of 10*s.* too small. The hon. member for Portarlington had calculated that duty on the ground that the farmer was peculiarly burthened to that amount by the pressure of tithes and poor-rates. But the hon. member stopped short when he limited the peculiar burthens of the farmer to these two points. Not to mention the large sums levied on the raw produce of the farmer, he was more severely affected by all the indirect taxes than any other class of the community. He had, he thought, proved this in detail at the commencement of the session, and he would now do no more than direct the recollection of the House to his arguments upon that occasion. The agriculturists, more than any other class, were affected by the taxes imposed on those commodities which were consumed by the labouring classes, because more labour was used in producing the same amount of produce

in value by the farmer, than by the manufacturer, or any other individual. For instance, it would require more labour to produce corn to the value of 1,000*l.* than manufactures to the same amount. The expense of the labour upon a farm never amounted to less than one-third of the value of the produce, to which were to be added the charges of tithes and poor-rates. He therefore thought it would be acting unjustly to the farmer to impose a duty calculated only on the amount of tithes and poor-rates. If the late hour of the night did not forbid it, he would willingly enter upon the subject which the member for Corfe-castle had opened for discussion, by denying that taxation was the cause of the prevailing distress. If the whole of the distress of the country did not result from excessive taxation, a very large part of it could be ascribed to no other cause: and the remedy for the distress was a reduction of the burthens which pressed upon the country. It was remarkable, that all the plans had for their object to prevent the recurrence of an evil after it should be removed, but for the removal of it no provision was made. In his opinion, the first thing that ought to be considered was, the means of escaping from the evil. It was immaterial whether taxation was admitted to be the only cause of the evil: if it was allowed to occasion a part of it, a reduction of taxation was the only remedy within our reach. He thought this ought to be resorted to in order to avoid the necessity of again interfering with the currency. That should be the *ultimum remedium.* If the return to cash payments had been accompanied by measures which, in his opinion, were necessary, he should have considered it his most sacred duty to support that act of the legislature which restored a metallic currency. But it was never to be sufficiently deplored, that when that measure was resolved upon, parliament did not sufficiently consider the state of the country, and the effect which it would produce upon a most important class of the people. The member for Essex had given notice of a motion for altering the act which provided for resumption of cash payments; and upon that occasion he would state his opinions with respect to the object of the motion; but he had no hesitation in declaring now, that in his opinion any attempt to tamper with the currency, after it had been placed on its present footing, would show that we were reduced to something like an extremity. He implored the House to avoid this evil, by having recourse to the only means by which it could be avoided—a reduction of taxation. Let them afford every relief which it was practicable to afford to agriculture, by taking off those numerous and heavy duties by which it was now borne down. If all should prove unavailing, let them come to that which he would certainly fain avoid if possible. But, before they resorted to so injurious an expedient, let them no longer listen to those who, in defiance of all reason, because they had once said that a sinking fund ought to be maintained, determined to maintain it for ever, and who persevered in refusing relief to the country in order to preserve their own character for consistency, or rather for obstinacy. His own view of the subject was simply this—to reduce the taxes to as large an amount as would be equivalent to the clear surplus of the revenue over the expenditure; first introducing into that surplus all that could be added by new and unsparing retrenchment. That such a reduction of taxes, if judiciously made, would afford a speedy and important relief to the suffering classes of the community, he had no doubt. He should vote for the principle of the proposition made by the member for Portarlington; but with the scale of duties recommended by the member for Wiltshire. But, he repeated, that these propositions related to distant operations. Something more was called for by the public voice. It was a call justified by necessity; and parliament would shamefully abandon their duty, if they neglected to attend to it.

The Marquis of *Londonderry* agreed with the hon. and learned gentleman that the measures which had been proposed to the House, were calculated rather to protect the country against future danger, than to afford it immediate relief. He could not, however, agree that the reduction of taxes would benefit the farmer; because, although such a measure would be advantageous to him, in his character of consumer, it would be detrimental to him, in his character of grower of corn, by depressing the price of his produce. He regretted the observations that had fallen from the hon. and learned gentleman on the subject of the currency. The hon. and learned gentleman admitted all the evils that would result from any change in the decision which parliament

had come to on that question; but still he kept the possibility of such change hanging over the country. It had been proposed that the subject which occupied the attention of the committee, should not be discussed until prices were higher; but he was of opinion, that at such a time the question could not receive that calm deliberation which was now bestowed upon it. The country was looking forward with confidence to the decision of the House; and if they should pursue a cautious course between the two great interests, he was certain the country would be grateful. The noble marquis then defended the fitness of the scale of duties which he had proposed, and censured that of the member for Somerset as being too high. The most convenient mode of proceeding would be, by taking the sense of the committee on the higher scales of duty first. The highest scale was that proposed by the member for Somerset. The best way, therefore, would be for the hon. baronet to move his resolutions first, by proposing that they be inserted instead of the original resolutions. If the hon. baronet's resolutions should be negatived, then the hon. member for Wiltshire could move his in the same manner. Then, if they were negatived, he (lord L.) would move his own resolutions, when it would be competent for any member to move what modifications he thought fit upon them.

The Committee then divided on sir T. Lethbridge's Resolutions [See p. 404]. The numbers were: For the Resolutions 24: Against them 243. Majority 219.

List of the Minority.

Bastard, J.	King, sir J. D.
Browne, D.	Leigh, J. H.
Browne, — jun.	Lockhart, J.
Chandos, marq. of	Milbank, M.
Chichester, A.	Nugent, sir G.
Curteis, E. J.	O'Callaghan, col.
Cotterell, sir J. G.	Stanhope, hon. J. H.
Dundas, C.	Shelley, sir J.
Drummond, J.	Shiffner, sir G.
Fane, John	Wemyss, J.
Harvey, sir E.	Wells, John
Hudson, H.	TELLER.
Jocelyn, hon. J.	Lethbridge, sir T.

After this division, Mr. Benett's resolutions [See p. 351] were negatived without a division. Mr. Huskisson's Resolutions, joined to the two last Resolutions of Mr. Ricardo, who had withdrawn his previous resolutions in favour of the series drawn up by Mr. Huskisson, were then submitted to the committee by the chairman. On lord Althorp's moving an amendment upon this string of resolutions, the cry of "Adjourn" became general; the chairman was in consequence ordered to report progress, and to ask leave to sit again to-morrow.

HOUSE OF COMMONS.

Thursday, May 9.

AGRICULTURAL DISTRESS REPORT.] The order of the day was read for going into a committee to consider further of the Report on the Agricultural Distress. On the motion, "That Mr. Speaker do now leave the Chair,"

Mr. *Denison* said, that none of the proposed resolutions had a tendency to remove the existing evil, which arose out of unbounded taxation, and the rapid restriction of the circulating medium. Taxation was pressing agriculture down to utter ruin. He was persuaded that government might keep faith with the public creditor, and yet repeal two millions and a half of taxes. He was sorry to see a prevalent disposition in all classes, the land-owners, the fund-owners, and the ship-owners, to shift the burthen from their own shoulders upon the shoulders of others. If ministers would give relief by a remission of taxation, all classes would more willingly bear their remaining burthens.

The House having gone into the committee,

Lord *Althorp* rose, to offer a few reasons for the amendment which he had proposed late last night. His hon. friend behind him (Mr. Ricardo) had proposed a series of resolutions which fixed an import duty upon wheat of 20*s*. per quarter as soon as the ports were opened, and provided for the decrease of that duty by 1*s*. a quarter every year, until it reached 10*s*., and which gave a drawback or bounty of 7*s*. per quarter on exportation. Now, the amendment which he (lord A.) had proposed, was, to impose a fixed duty of 20*s*. per quarter on importation, not liable to any future decrease or diminution, and to allow a bounty of 18*s*. instead of 7*s*. per quarter on exportation. The result of his amendment would be, that the highest price of corn would be 65*s*., and the lowest 43*s*. Among the resolutions of his hon. friend, was one which admitted warehoused corn into the market

at a lower rate of duty than fresh foreign corn. Of that resolution he cordially approved; for it would be advantageous that the farmer should not be exposed at once to an influx of warehoused and of foreign corn, inasmuch as the gradual introduction of the warehoused corn might prevent fresh foreign corn coming at all into the market. The noble lord then moved his amendment.

Mr. *Ricardo* was surprised at his noble friend's proposing such an amendment. He could not see upon what principle his noble friend could justify raising the bounty on exportation to 18*s.* a quarter. For his own part, he did not think that any bounty would often be called into operation. Whenever it should, 7*s.* would be quite enough. His noble friend, the learned member for Winchelsea, and the hon. member for Corfe-castle, both agreed in one objection against his resolutions—that he had not made sufficient allowances for the effect of indirect taxation on the agricultural interest, which, according to their statement, was more affected by it than any other interest. Their statement to a certain extent, might be true; still he thought they had exaggerated. The principle upon which he had made his calculations was, that the price of every commodity was constituted by the wages of labour, and the produce of stock. Now, the noble lord's argument was, that in manufactured commodities the price was constituted of only a small portion of wages, and a large portion of the produce of the stock; whilst, in agricultural commodities, the case was exactly the reverse. If the noble lord could substantiate such a proposition, he would agree that he was entitled to the allowance he demanded. All that he doubted was, whether the fact were so. He doubted whether the proportion of labour was greater in agriculture than in manufactures. The right way of coming to a sound determination upon that point was, by considering in what the dead capital of both consisted. If he could show that the dead capital in agriculture bore the same proportion to its whole capital, that the dead capital in manufactures did to its whole capital, then he thought that his noble friend's proposition would no longer be valid. His learned friend, the member for Winchelsea, had said, that almost all the produce of the land was made up of labour. His learned friend, however, seemed to have forgotten that there was a great deal of capital in buildings, in horses, in seed in the ground, besides in labour. It was true that the manufacturer had a great proportion of his capital in his machinery; but, even though that were taken into consideration, he must still say, that the proportion of his noble friend was not made out so clearly as it ought to be; and that he was therefore only entitled to a small allowance. Now, in allowing a duty of 10*s.*, he thought that he had made an ample allowance; and he had made that allowance, too, on the principle, that all the poor-rates as well as all the tithes fell exclusively upon the agricultural interest. He now stated, however, that the agricultural interest was not entitled to the full allowance of all the poor-rates, inasmuch as a part of them was paid by the manufacturers, although much the greater part, he would allow, was paid by the agricultural classes. He was persuaded that if he had kept to that principle, the allowance to the agricultural interest would not have been more than 7*s.* Now, he had allowed them a duty of 10*s.*, and therefore, in the 3*s.* that there was over, he had made ample compensation for any errors that he might unintentionally have committed. He would now say one word to the hon. member for Corfe-castle (Mr. Bankes), regarding the lecture which he had read him (Mr. R.) upon political economy. The hon. member had talked much of the wisdom of our ancestors. He willingly allowed that there was much wisdom in our ancestors: but at the same time he must ever contend, that the present generation had all their wisdom and a little more into the bargain. [Hear, hear.] If the argument of the hon. member were to be considered as valid, there was an end at once to all hopes of future improvement. The present generation had invented steam-engines and gas-lights, and had made several other useful and beneficial discoveries, and he trusted that they would never be stopped in their progress to knowledge by being told of the wisdom of their ancestors, or be convinced that they were in the most flourishing condition possible because the system of their ancestors was called most wise and excellent. Undoubtedly this country was a great country, and had of late years increased its capital to a great extent. But in arguing upon that point, the hon. member for Corfe-castle might as well have employed this argument as the one which

he had used; he might as well have said, "We have increased in wealth, whilst we have been contracting a great national debt; therefore, the national debt is a great blessing, and it would be a bad thing to get rid of it." [Hear, and a laugh.] That argument was quite as valid as the argument which the hon. member had actually used.—The hon. member then proceeded to state, that one argument urged against a free importation of corn, which appeared to him not to deserve the slightest attention, was this—that England ought not only to be a self-supplying, but also an exporting country. Now he wished to press one point upon their consideration, and that was—that it was the great interest of a country which grew a commodity for the use of another, to keep the market open for the sale of it. Now, if we were to raise a large supply for the purpose of sending our raw produce to a foreign country, in what a situation should we be placed if the market were to be shut against it? What a glut would then be forced into the home market! He would contend, that the ruin which such an event would produce, would be so great that no minister, nor sovereign, would be able to remedy it. The hon. member for Corfe-castle had also lamented that we were becoming too much of a manufacturing country. The hon. gentleman might, perhaps, think that a manufacturing country could not be so happy as an agricultural country. But he might as well complain of a man's growing old as of such a change in our national condition. Nations grew old as well as individuals; and in proportion as they grew old, populous, and wealthy, must they become manufacturers. If things were allowed to take their own course, we should undoubtedly become a great manufacturing country, but we should remain a great agricultural country also. Indeed, it was impossible that England should be other than an agricultural country: she might become so populous as to be obliged to import part of her food; but instead of lamenting over that circumstance, he should think it a proof of prosperity and a subject of congratulation. There would always be a limit to our greatness, while we were growing our own supply of food: but we should always be increasing in wealth and power, whilst we obtained part of it from foreign countries, and devoted our own manufactures to the payment of it. The hon. member for Corfe-castle had asked, whether our farmers were to be transformed into manufacturers, and our ploughmen into mechanics? From that question, any stranger who had walked into the House might have supposed that a proposition had been actually made to throw open our ports, and to change all at once our entire course of policy. But had any proposition of that nature been even hinted at? The hon. member for Oxford (Mr. Lockhart) had done him the honour of stating, that he believed that he (Mr. R) would not willingly inflict misery upon his country; but had added that he believed his resolutions would have such a tendency. But when he proposed a monopoly for the agriculturist up to 70*s.* (and the hon. member for Wiltshire admitted that 67*s.* was a remunerative growing price), and a duty of 20*s.* on the first opening of the ports, and a gradual reduction of it to a fixed and permanent duty of 10*s.*, could it be fairly said that he was proposing a scheme to turn the capital of the country from agriculture to manufactures? It had been well observed by an hon. member, that it was totally impossible that the direction of our capital could be changed in that manner. The security against it was to be found in the necessity of our growing our own corn—a necessity which would always prevent us from becoming too much of a manufacturing country. The fact was, that his resolutions, if adopted, would gradually employ a small portion more of the capital of the country in manufactures, of which the result would be beneficial to all classes of the community, as it was only by the sale of our manufactures that we were enabled to purchase corn.—He had never heard any answer attempted to his argument respecting the miserable situation into which the farmer would be plunged under a system of protecting duties. The high prices of corn exposed the farmer to great and peculiar risks. Now, none of the representatives of the agricultural interest in that House had ever ventured to assert that the farmer was not liable to the risks which he had pointed out as likely to arise from the variation of prices: none of them had attempted to show that his view of the danger was absurd and chimerical; and, as they had not done so, he was greatly confirmed in that view which he had originally taken. The hon. member for Wiltshire had stated, that we could obtain a large supply of foreign corn at 25*s.* per quarter. Now, he held in his

hand a letter from Mr. Solly, in which that gentleman declared, that in all the evidence which he had given before the committee, he had not spoken of the then accidental price, but of the remunerating price, on the continent; and his learned friend (Mr. Brougham) had justly observed, that it was the remunerating price on the continent that regulated the price here. Now, he believed that his learned friend had understated that remunerating price. His learned friend had stated it at 45*s.*; he believed it to be 10*s.* more; for his learned friend had made no allowance for the profits of those who brought it here, which, in the opinion of Mr. Solly, were at least 6*s.* a quarter. The chief reason, however, for his mentioning the letter of Mr. Solly was, that Mr. Solly had said that Memel (from which one of the witnesses before the committee had derived his information) was not a port from which any great quantity of corn was shipped — not above 20,000 quarters a year, and that of inferior quality. Now, he wished to ask the House, if not more than 20,000 quarters were shipped from Memel, and those too of an inferior quality, whether such a fact would justify them in passing such a legislative measure as his hon. friend had proposed? The assertion, therefore, that foreign corn could be obtained at 25*s.* per quarter, was unworthy of attention for a single moment.—The only farther observation which he had to make was, with regard to what had fallen from the noble marquis. The noble marquis had said, that the measures which he had recommended to the House had been carried in the committee, almost without a dissentient voice. Now, he (Mr. R.) had stated his opinions in the committee, and for the sake of his own character and consistency, he would take the liberty of restating them to the House. He had gone into that committee with the opinion that the agricultural classes were in a state of great and overwhelming distress—that any relief which could be held out to them, ought to be held out—and that he would give them such relief; but on condition, that he should, in his turn, receive a pledge that some better measures of legislation should be instantly resorted to. He had been disposed to give the agriculturists every thing they required. They had a prohibition at present; and they could not have more. Indeed, he had been ready to adopt any proposition that the committee might originate, so long as the committee expressed a willingness to propose some more salutary measures of legislation to the consideration of parliament. The committee had held out to him a hope that they would do what he advised; they told him that they would insert something in their report which would satisfy him upon that point; and, in consequence of that declaration, he had given a conditional assent to the measures they had proposed. When he saw the report, and found that it contained no such clause as he had anticipated, the conditional assent that he had given to their propositions was immediately dissolved; and he refused to concur in the report of the committee, because it contained nothing of the nature which he had hoped it would contain. The hon. member for Hertford had said, that the evidence of those persons who imported corn was to be taken with some allowance, because their views of interest, however honest the individuals might be in intention, were likely to bias them. He did not mean to quarrel with that observation; for in most cases he allowed it to be well founded. He wished, however, to be permitted to apply it to those who had to decide in that House upon this most important subject. Let him remind them, that they had a great interest in it; let him caution them not to be led away—not to be improperly biassed—by any views of their own personal advantage. Let him implore them to recollect that they were legislating for the happiness of millions, and that there was no evil so intolerable as the high price of human food. [Hear!] He was astonished to hear the hon. member for Essex declare, that it was matter of indifference to him whether prices were high or not; and that he wanted to have corn for little labour and for low prices. He went along with the hon. member in that sentiment; but then he was astonished to find, that the hon. member, when they came to a measure that was calculated to give them low real prices, flew off in an opposite direction, and declared that we ought to grow our own corn, and that it was only upon particular occasions that we should suffer it to be imported. Such a declaration, if acted upon would render it impossible to obtain low prices in a country increasing in population like our own: indeed, the only way of getting low real prices, with which he was acquainted, was, to divert

part of the capital of the country in such a way as to increase its manufactures.

Mr. *Benett*, of Wiltshire, said, he had never stated that foreign corn could be purchased at 25*s*. per quarter, though if it were true that bread could be bought in France at a penny per pound, corn must be at a less price there than 25*s*. per quarter. He was well aware that 24*s*. at present was more than 24*s*. before the passing of Mr. Peel's bill. The foreign exchanges had, however, followed the operation of that bill, and the price of foreign corn had consequently been affected by it. All were agreed that faith ought to be kept with the public creditor; but ought it not also to be observed towards the farmer? He must say, that if the warehouses were to be thrown open at 70*s*. instead of 80*s*., the consequence would be the influx of foreign corn one year sooner into the markets. They had heard a great deal of the impolicy of bringing bad land into cultivation; but they had not been told that such land, when it received from art the assistance which nature had denied it, grew as well as land originally good. He was no enemy to the principle of a free trade, but the arrangements should not be of a nature to give other classes an advantage to the injury of the farmer.

Mr. *Curwen* reminded the House, that in the memorable year 1799, when a scarcity was felt, an importation to the extent of a six weeks supply was immediately called for. That supply was provided at great expence, and not without some difficulty, from America and the Cape of Good Hope, and some rice was imported even from India. In times of danger he admitted the necessity of importing foreign corn; it ought to be then liberally received, but not permitted to remain here and accumulate to the injury of the home grower. When he objected to the duty fixed by the hon. baronet, it was not because he thought it beyond the scale of protection really due to the home grower, but because he thought it would be impossible to maintain it against the probable feeling of the country. He denied the accuracy of the calculations upon which the rates of protecting duty mentioned were framed. The noble marquis's, though intended to reconcile the wishes of all parties, were founded upon erroneous data. The price of production in foreign countries was not fairly given. Mr. Solly had informed the committee, that corn at Odessa could be had, and at a remunerating price for the farmer, so low as 16*s*. a quarter, and might be imported at 32*s*. Now, he (Mr. C.) from the best information he could procure, thought that calculation incorrect, and that corn at Odessa could be had at 12*s*., instead of 16*s*.: it therefore could be imported at 24*s*. and not 32*s*. Whenever there was a failure in the crops, there could be always secured a foreign supply to meet the evil. The noble marquis was wrong when he stated that Dantzic corn might be imported at 42*s*.: the fact was, the importation might take place at 32*s*. or 33*s*. If the noble marquis re-considered the prices, he would see that the foreign grower could avail himself of his duty and come into the market at 57*s*. The hon. gentleman (Mr. Ricardo), was of opinion that 65*s*. would be a fair protecting price to the farmer. So it would be, if he could always be sure of obtaining it; but that was impossible. What was it that made the farmer complain? The overwhelming taxes and depreciated currency which attended a long war. He knew the farmer could not expect the country would maintain for him an unequal price; but they ought at least to put him upon the same fair footing for the protection of his property, as the other classes of the community. It was unnecessary to inquire what had been the effect of the three years importation. We had imported in that period to the amount of pretty nearly 3,000,000 quarters of grain—he should say about 1,600,000 quarters of wheat. That supply we might have required for two years, and for part, probably, of the third. The ports shut in Feb. 1819. Now, he entreated the attention of the House to this statement—if we had consumed, in the first year, 800,000 quarters, that was the very utmost; in the second year, we had certainly consumed considerably less; and it was his belief that we had 500,000 or 600,000 quarters of the supply left on hand at the commencement of 1819. Would not every gentleman say, that the operation of such an enormous surplus, remaining unconsumed at a time when we had no occasion for a single bushel of imported corn, had been to weigh very heavily upon the home market ever since? Two years ago, he had strongly pressed upon the president of the board of trade, the injury which such a circumstance might ultimately occasion to the country. His admonitions, however, were disregarded. Gentle-

men, therefore, would do well not to run away with an idea that the whole of the existing distresses were occasioned by over-production. If the noble marquis would not accede to his (Mr. C.'s) proposition, let him at least substitute some other in its stead, which should carry the protection as high as the noble lord himself had admitted it was proper to be fixed at. The hon. member concluded by reading his proposed resolutions for regulating the corn trade; viz. 1. "That the average price of wheat exceeding 80*s.*; and the ports being declared open for the importation of foreign wheat; a quantity, not exceeding 400,000 quarters, shall be admitted, on a duty of 10*s.* per quarter. 2. That the average price of wheat continuing above 80*s.* at the expiration of six weeks from the first opening the ports, a farther importation of 400,000 quarters, to be permitted, at 5*s.* per quarter."

Mr. *W. Burrell* said, that, all things considered, he was disposed to prefer the proposal of the noble lord; and, if it were accompanied with another suggestion mentioned in the report, he should consider it liable to very little exception. It was, that a duty of from 12*s.* to 15*s.* per quarter should be imposed on foreign wheat imported for home consumption, when the price should exceed 70*s.* In any bill which the House might agree to, he should wish that the averages should for the future be taken on Irish corn sold in the British market, as well as on our own grain. He had been informed by good judges, that it was almost impossible to tell Irish wheat from English; and it was very certain that the person who, under the present regulations, struck the average, knew nothing about any such difference, but proceeded upon the information of others. There was reason to believe, that at present a good deal of unfair speculation was engaged in on account of the difficulty of detecting this distinction.

Lord *Eastnor* believed that the proposition under discussion could not effect the relief of the people, and was calculated only to excite false hopes. He felt inclined to support the proposition of the noble marquis, but thought it did not go far enough.

Lord *Cranborne* thought, that a duty of 12*s.* with a rise of 5*s.* was not a sufficient protection to the farmer; and had therefore moved in the committee that 3*s.* should be added. Having failed in his endeavour, and being disposed to get the best bargain he could for the agriculturist, he should vote for the resolutions of the noble lord.

The Marquis of *Londonderry* said, that from what he understood to have been the views of the hon. member for Cumberland in the committee, he was astonished at the views which he now seemed to take. The hon. member had said, that the markets were depressed in consequence of the quantity remaining of foreign corn since 1819. When the ports were open, and where there were no restraints, he admitted the markets were always liable to be glutted with foreign corn. The noble lord here minutely detailed the terms of his propositions. It was to be observed, that a few years ago, instead of foreign importations being viewed with alarm, the prevalent fear was that there would not be enough corn to import from Europe, and America was looked to with satisfaction as a resource. A return to that state of things might be contemplated. He denied also that 8*s.* could cover the expense of importation and the merchant's profit. He, too, must be a very fortunate importer who could be sure of an immediate market. If he failed in getting a market 5*s.* might be put on every quarter, for every year that it continued warehoused. The hon. member for Cumberland, fell into a great error in supposing, that because wheat could now be procured at Dantzic at 32*s.* in a small quantity, that it could be procured to all eternity, at the same price, and to any amount. Under the resolutions he proposed the ports were to be only open three months at a time; in the first instance, when corn reached 80*s.* and afterwards when it reached 70*s.* The question then was, whether in three months, when wheat was burthened with a duty of 17*s.* per quarter, such a quantity could come in as would do any permanent injury to the agricultural interest. This resolution gave a security that corn should not be poured in beyond the wants of the country. Under the present law there was no such security. It was as convenient to the corn merchant, when the ports were open, under the present law, to bring his corn here as to keep it in Holland. Indeed, there was a premium for him to rush and take possession of the soil of the country; but, under the resolutions he proposed the speculators would hardly rush in rashly when they would be subjected in

the outset to a positive expense of 27s. It seemed to him, that the judgments of the landed interest had been misled. He could partake of their zeal and respect it, but he could not enter into the operation of their minds when they expressed such excessive alarm. If his suggestion were open to attack, he had rather expected that it would have been blamed for leaning too much towards agriculture. Ministers felt no disposition to withdraw from the landed interest the protection of the existing law; they only submitted that a different mode of protection would be more beneficial. The turn of the scale was decidedly in favour of the agriculturist.

Mr. *D. Browne* approved of the import price as well as of the duty proposed by the hon. member for Cumberland. He was an advocate for the prohibition of the importation of foreign grain, on the ground that if the farmer was secured in the possession of the home market, the united kingdom could produce corn sufficient for the consumption of its inhabitants.

Mr. *Robertson* entered into some historical details relative to the state of France previous to the seven years war, and to the change that took place during that war, by which France became a country importing, instead of exporting, grain. While she was a flourishing commercial state she ceased to pay the same attention to her agriculture. He compared with this the state of Great Britain, which had exported grain until she took from France her colonies in both the hemispheres. She then became an importing country. After the breaking out of the American war, when France and Spain united against Great Britain, when she was no longer mistress of the channel, and her commerce was crippled and reduced, her agriculture revived, and, from 1780 to 1784, she again became a country exporting grain. On the re-establishment of peace, her trade recovered; her revenue, of only 10 millions, augmented one fifth in the space of two years; she once more imported grain; and so she continued until the end of the last war. The hon. gentleman concluded with calling upon government to protect and advance commerce, as the best mode of securing the welfare of all classes, and of giving the farmer a remunerating price for his production.

Mr. *Lockhart* said, he did not desire such an amount of taxes to be taken off, as would endanger the safety of the public creditor; but he must say, that unless such a degree of protection was afforded, as would remunerate the cultivator of the soil, the ruin of the agricultural interest was inevitable. If the House did not repeal taxes, so as to enable the agriculturist to continue their present expenditure, they would be obliged to deprive themselves of many of their accustomed luxuries; and, perhaps, in a philosophical view, their happiness would not be much diminished by such a necessity. It had been said by some writer, that private vices or luxuries were public benefits; if so, they were benefits which would soon cease to exist. It had been frequently asserted, that the land was mortgaged to the public creditor. Now, he had looked into all the acts of parliament, and he could not find it stated in any one of them, that the land was pledged in any way to the public creditor, except in so far as it was affected by the land-tax, and the window-tax, which might be repealed to-morrow. If, therefore, the prosperity of the land-owners were so far invaded, that an attempt should be made to seize their lands, he should be disposed to say, in the language of our Henry, "Come and take them;" for unless they could produce a positive act of parliament for their warrant, he should no more feel himself bound to submit to such an unjust visitation, than to yield to the invasion of a hostile foe. He hoped the noble lord and his colleagues would take such measures as might avert these sad extremities. They had the only efficient remedy in their hands, namely, such a remission of taxes, as would afford effectual relief, without endangering the public credit.

Sir *C. Burrell* was not disposed to give protection to agriculture beyond what was just to the other interests of the country. But he had alway seen that in proportion as agriculture flourished, the other interests were also prosperous. To support agriculture would be to support the country; he should therefore vote for the resolution of the noble lord.

Sir *H. Vivian* said, he was not one of those who attributed the distressed state of agriculture to taxation. The hon member for York had, on the preceding evening, proposed a reduction of taxes to the amount of 20,000,000*l*. Now, such a reduction could not be made without

manifest injustice to the public creditor. But, supposing it possible to remit taxes to that extent, would not the subtracting such a sum from the revenue, and consequently from the circulation of the country, add to the prevailing distress, instead of diminishing it? The hon. member for Corfe-castle had drawn a very feeling picture of the wretched state in which the agricultural labourer would be placed, if he were compelled to exchange the pure air which he usually breathed, for the fetid atmosphere of a manufactory. But, might he not look at the other side, and ask, how was it possible for the manufacturer, who had been all his life accustomed to breath the close air of a factory, to perform work which required all its exertions out of doors? The interest of both those classes were bound up together, and whatever tended to injure the one could not benefit the other. The last corn bill gave a sufficient protection to the agriculturist. He thought they ought to depart as little as possible from that measure; and therefore he should vote for the proposition of the noble marquis.

Sir *J. Shelley* thought the proposition of the noble marquis would do some good, and that it was at all events better than the existing state of the corn laws.

Mr. *Whitmore* conceived the great cause of the present distress to be over-production. Not that he imagined, when a country stood in a natural situation, that an abundant crop could be considered an evil. In ordinary cases, where there was a large growth of corn in one part of the world, there was a defective crop in another, and the prices in consequence equallized themselves. But this was not at present the case. The circumstances of the war gave a considerable stimulus to agricultural speculations; corn was grown, at an immense expense, on poor soils; it produced very high prices; and the price of every article connected with farming was raised in proportion. The amount of capital employed, when prices were high, was, therefore, much greater than when prices were low. The capital employed in cultivating 100 acres of land in 1790, 1803, and 1813, was widely different. The amount of capital employed in the last period, as compared with the first, was no less than double. Large quantities of corn were grown during the war at a great expense. The effect of the bill of 1815 was, to keep up the stimulus, which had caused extensive agricultural speculations; and a series of abundant crops ensuing, created the glut which existed at this moment. When the price of corn was high, or sufficient to remunerate the farmer, he laid out considerable sums on his lands, and was content to pay a heavy rent. But when corn fell in value to any great extent, the capital which he was expected to lay out, and the rent he was obliged to pay, were out of all proportion to what he received. The law of 1815, led to the most injurious consequences. It induced the farmer, in the first instance, to incur an immense expense, for which, it was pretty clear, he would not be finally remunerated. When the farmer was thus situated, he would deal hardly with the land. He would extract as much as he could from it, at the least possible expense; he would impoverish it, and in that state it would revert to the landowner. Agricultural labour was also affected by the system on which the bill of 1815 was founded. Labour, in the long run, must bear some proportion to the price of food. When food was high, it produced a fair remuneration for the labourer; but when food was very low, and the farmer in distress, he did all he could to economise, and his first step was to reduce the price of labour below what it ought to be. It was clear, therefore, that the labourer did not benefit by the low price of corn. With respect to the amount of duty in the noble lord's resolution, he thought it too high. The resolution of the hn. member for Portarlington was liable to the same objection. But he preferred the latter on account of its tendency to give steadiness to prices.

Mr. *Western* said, the more he considered the question, the more he was convinced that this was not the proper time to legislate upon it. No member had clearly comprehended the whole bearing of the actual circumstances of the country, or the consequences of enacting a permanent law in our present unsettled state. The most vague ideas prevailed on the subject of our difficulties. He would take the premises of those who supported the resolutions, and would show that they did not warrant the conclusion to which they had come. If, as they asserted, every country of Europe teemed with a superabundant produce, and if the markets were in an unnatural state of depression, was this the time to proceed to the forma-

tion of permanent protecting duties? A scale of prices adapted to present circumstances might be too high for permanent protection; and a permanent scale might be insufficient in the existing state of the markets of Europe. Were not the prices of corn on the continent, for the last twenty-five years, estimated in our paper currency, and, therefore, liable to all its fluctuations? Were not the Dantzic prices regulated by the state of the British markets, and therefore affected by the depreciation of our currency? Would it not, then, be unwise to look at those prices as the foundation of any prospective regulation? He was prepared to contend now, as he had often done, that the present state of the currency was incompatible with the safety of the country. He would follow the advice of the hon. member for Corfe-castle, and refuse to legislate permanently, until he could form a clearer judgment of what measure ought to be adopted.

Mr. Alderman *Heygate* thought the proposed measures of the noble marquis would do more mischief to the agriculturists than that under which they now laboured. Something, however, should be done, and it was only in consideration of the necessity of the case that he could be brought to vote in favour of any protecting duty. The propositions before the House were so numerous and so complicated, that it was difficult to understand them. He was most inclined to the plan of the hon. member for Cumberland; but he would vote for no plan which did not contain a clause to remit the duty in the event of the price of corn rising so high as to indicate the approach of scarcity.

Mr. *Ricardo* denied that the price of corn on the continent was liable to the fluctuations of our currency.

The committee then divided on lord Althorp's Amendment, to fix a permanent duty of 18*s.* on wheat, and other grain in proportion: For the Amendment 24. Against it 201.

List of the Minority.

Boughey, sir J. F.	Dickinson, W.
Burrell, sir C.	Gordon, hon. R.
Bankes, H.	Griffith, J. W.
Bennet, hon. H. G.	Guise, sir W.
Buxton, J. J.	Hudson, H.
Brougham, H.	Knatchbull, sir E.
Byng, G.	Lockhart, W. E.
Barham, J. F.	Leycester, R.
Calvert, N.	Ossulston, lord
Curwen, J. C.	Robinson, sir G.
Shelley, sir J.	TELLER.
Webb, Ed.	Althorp, lord
Western, C.	

A second division took place on Mr. Ricardo's propositions for a duty of 20*s.* per quarter of wheat, when the price shall rise above 80*s.* to lower 1*s.* a year for ten years, and for 10*s.* being the permanent duty, and 7*s.* the bounty afterwards. Ayes, 25. Noes, 218.

List of the Minority.

Althorp, lord	Langston, J. H.
Birch, Jos.	Marjoribanks, S.
Brougham, H.	Maberly, J.
Barnard, lord	Newport, rt. hon. sir J.
Beaumont, T. W.	Phillips, G.
Becher, W. W.	Rumbold, C. E.
Carter, J.	Robinson, sir G.
Davies, col.	Smith, G.
Denison, W. J.	Scarlett, J.
Evans, W.	Thompson, W.
Haldimand, W.	Whitmore, W. W.
Hume, J.	TELLER.
Lamb, hon. G.	Ricardo, D.
Lamb, hon. W.	

The committee then divided on the marquis of Londonderry's third resolution. [*See p.* 190]. Ayes, 218. Noes, 36.

List of the Minority.

Attwood, M.	Heygate, Ald.
Bankes, H.	Hudson, H.
Byng, G.	Lambton, J. G.
Barham, J. F.	Lockhart, J. I.
Calvert, C.	Monck, J. B.
Campbell, hon. G. P.	Monteith, H.
Campbell, A.	Normanby, visct.
Curwen, J. C.	Ossulston, lord
Calvert, N.	Rickford, W.
Cavendish, hon. H.	Sumner, H.
Cheere, C. M.	Tavistock, marquis of
Dickinson, W.	Whitbread, J. S.
Duncannon, visct.	Williams, J.
Ellice, E.	Wigram, W.
Fitzroy, lord C.	Wilson, sir R.
Griffith, J. W.	Wood, alderman
Gaskell, B.	Wells, John
Gladstone, John	TELLER.
Guise, sir W.	Bennet, hon. H. G.

The Marquis of Londonderry stated, that it was not his intention to found any proposition upon his second resolution, relative to the grinding of foreign corn in warehouse. The rest of the resolutions were agreed to.

HOUSE OF LORDS.

Friday, May 10.

DISTRESS IN IRELAND.] The Earl of *Darnley* said, that their lordships and the public now knew, and ministers ought

long before to have known, that in certain districts of the south of Ireland there had been a great failure in the crop of potatoes, which had produced most extensive distress. Though it afforded much gratification to him to find that liberal subscriptions for relieving the distress had been entered into, still it appeared to him matter of imputation on ministers, that not only they seemed now to be taking no measure to remove the distress, but, informed as they must have been of its rise and progress, they had done nothing to prevent it from reaching its present aggravated form. He wished, therefore, to ask the noble earl what measures government had adopted? The distress of a part of Ireland had risen to a most calamitous height, without the least apparent attention being paid to it by government. It had been observed, that the application of the public money to the purchase of corn in this country was contrary to the principles of political economy; but he thought that the million which was to have had that destination would be with more propriety employed in relieving the distress of Ireland. He held in his hand a letter from a gentleman in the county of Clare, on whose correctness their lordships might rely. The writer said, "The distress here is beyond all possible description. There is nothing but starvation in every corner of the country, and it appears impossible to remedy it. Unfortunately, government, to whom repeated and strong applications have been made, has as yet done nothing; and if relief do at last come, it will now arrive too late." Such was the statement to which he wished to call their lordships' serious attention. If the picture was not overcharged as he was persuaded it was not, what could their lordships think of the conduct of ministers? In one part of the united empire they were told that superabundance was the only cause of complaint, while in another the people were actually starving. If the answer of the noble earl opposite did not prove satisfactory, he should propose an address to his majesty, for the purpose of obtaining information on this important subject. The bounty of individuals would doubtless do much good; but if the distress was so extensive as it was described, nothing but the interference of government could produce relief.

The Earl of *Liverpool* trusted, that the explanation which he had to give would prove satisfactory to the House. He was far from being one of those who wished to shelter themselves under general theories, but their lordships must be aware, that no subject could be more delicate than that of the interference of government with the subsistence of the country. He would only wish them for a moment to consider, what might be the consequence of such a principle—how much it might operate in counteracting the exertions of private benevolence, and to what mischievous results such a meddling with the natural means of supplying the market might lead. Impressed with this principle, he did not hesitate to say, that when government received information of the local distress in Ireland, he was anxious that whatever aid it should appear advisable to afford, might be conveyed without the transaction becoming a subject of public notice in parliament. This was not the first time that such a case had occurred in Ireland, and that government had found it necessary to interfere. It was to be expected, therefore, that in what was now done former precedents would be followed. There was no reason to suppose that the subject had been overlooked. He had on a former occasion stated that it had engaged the serious attention of government, and he had now no hesitation in saying, not only that measures would be taken to relieve the distress, but had already been taken, on principles as unobjectionable as possible. These measures were adopted with the view, not only of meeting the present distress, but of preventing its recurrence, by supplying seed. With regard to the address, he should have no objection to agree to it when the proceedings to which it referred were terminated; but, in the present state of the business, the production of the correspondence would be attended with much inconvenience.

The Marquis of *Lansdown*, though agreeing with the noble earl as to the inexpediency of interfering with the supply of provisions to the markets, was still of opinion, that the case of the suffering poor, in the part of Ireland alluded to, formed an exception to any general rule, and that it was incumbent upon their lordships to take care that every thing was done that could be done for the relief of the unhappy sufferers. That the distress was most afflicting, all the accounts from the south-west of Ireland agreed in stating, and the information he

had received, pourtrayed a state of distress, in the county of Clare in particular, which imperatively called for the immediate application of some remedy. It was not merely, however, in that county, but in the mountainous district adjoining, that the distress was to a great extent prevalent; and he had some time since, on receiving information of the state of that part of the country, sent instructions to purchase oatmeal, and to sell it an inferior price in the distressed districts. The warmest acknowledgments were due to those individuals who had so liberally came forward in aid of the suffering population of Ireland; but he trusted that their highly meritorious liberality would not slacken the exertions of the Irish proprietors, and that the latter would not subscribe money instead of affording that relief which would be so much more effectual, and which they had the best means of affording—a supply of articles of food. He was averse to any interference with the supply of provisions, but it should be recollected that this was not the case of a general scarcity, but merely the failure or scarcity of one article of food, and that of the lowest gradation in the scale. This, therefore, formed an exception to general rules; and there was this fact in addition, that by confining the supply as much as possible to the next article in gradation, the purpose in view would be answered, without interfering with the markets for any other article of produce.

The Earl of *Blesinton* supported the address. He stated the number of the starving population in the county of Clare to be 48,507. The distress was of no recent origin. It had been going on for a considerable time, and so strongly was it felt, that when he applied in 1819 to the archbishop of Tuam for his subscription to defray the expense of a statue to be erected to the memory of his late majesty, his grace answered, that he rather wished the money to be applied to the relief of the starving people of Ireland. Distress was not exclusively felt in the south and west of Ireland. In the county of Donegall there was no want of food, but of money to buy it. Money and capital were the things wanted. If the people were fed, without being provided with employment, mischief would ensue. If it were wished to do good to Ireland, a large sum must be given, at least five millions; two of which should be distributed immediately, and the remaining three applied as local circumstances should require.

Lord *Ellenborough* said, it would be satisfactory if the noble earl would state how long it was since the government began to afford relief to the suffering population of Ireland, and to what extent that relief had been afforded.

The Earl of *Liverpool* said, he was unable to state to what extent the relief had been afforded; but it was some weeks since that money had been sent for the purpose of purchasing provisions for those who were destitute; and measures had also been taken to provide seed, in order to prevent, as far as possible, a recurrence of the distress.

The Earl of *Limerick* observed, that any ministry who could have neglected the consideration of the distressed state of Ireland, would have been deserving of public execration. But the contrary was the fact in this instance. The noble earl had stated, that measures had been resorted to, and were now in progress for the relief of the distress, and relying with confidence upon that declaration, he should oppose the address.

Earl *Grey* could not discover any ground for that confidence which the noble earl was so disposed to place in ministers. They had authentic accounts, the truth of which could not be disputed, that the population of Ireland, from whence large supplies of grain were drawn to England, were, a great part of them at least, in state of distress bordering upon famine, and yet there was no trace of any aid furnished by government for the mitigation of this dreadful calamity. What a picture of a government! Hundreds and thousands of the population of Ireland dying in the streets, and highways for want of food, in the midst of plenty, and we were merely told by the king's ministers, that measures were in contemplation to afford relief! Was this a ground for refusing support to the address? On the contrary, that House ought to be informed of what had been done (if any thing had been done) for the alleviation of this dreadful distress; and if it should turn out that nothing effectual had been done, they should wrest from the hands of incapable men that power which they knew not how to use for the advantage of the country.

Lord *Ellenborough* trusted that his noble friend would carry his motion to a division.

He was anxious that the question should be sifted to the bottom. The existence of great distress in Ireland was all that was known, and there was no proof that any good had yet been done by government, or by the assistance of individuals.

The Duke of *Wellington* said, it had been distinctly stated by his noble friend, that money had been sent to supply food, in order to obviate the present distress, and that seed had been provided for the purpose of preventing the recurrence of that distress.

Lord *Holland* said, that the information alluded to by the noble duke was unsatisfactory, inasmuch as no dates were mentioned by which alone the House could be enabled to judge whether the proper means had been adopted in proper time for the relief of the distress.

The Earl of *Liverpool* said, he could not at the moment recollect the dates; but it was some weeks since that the relief was afforded in money to purchase food; and, subsequently, seed had been supplied, in order to prevent a recurrence of the distress.

The Earl of *Lauderdale* contended, that the admissions of the noble earl were sufficient to induce him to vote for the address; as it was evident that the relief was not afforded in time, especially with regard to seed, which ministers ought to have known was long since required, and that the time they had chosen for supplying it was too late to be of any real use.

The House divided; For the Address 17. Against it 35.

HOUSE OF COMMONS.

Friday, May 10.

Roman Catholic Peers Bill.] On the motion of Mr. Canning, the order of the day was read for the second reading of the Catholic Peers bill.

Mr. *T. A. Smith* said, he felt it his duty to address a few observations to the House on this particular measure, but on the general question he would not say one word. With all the respect which he had for the wonderful talents and splendid eloquence of the right hon. member who had introduced the bill, he could not help looking on this measure as a most extraordinary one. He thought the measure most unfair, most unjust, towards the great body of the Catholics: he thought it most aristocratic in its principle; for what could be more aristocratic than to grant a boon to the peers, and to leave the commoners in their existing situation? On a former evening he had paid the most sedulous attention to the hon. mover's speech. He had listened to it with impatience, not unmixed with alarm, after what had fallen from the hon. member for Somersetshire, lest he should be captivated by the voice of the Syren. But the charm of that address, whatever it might have been, had been completely removed by the speech of the right hon. secretary. If he knew any thing of the subject, the measure of the right hon. member was not pleasing even to the most zealous advocates of Catholic emancipation. He had hoped to see it rejected by a large majority; but he supposed that the right hon. attorney-general for Ireland, finding that he could not prevent the motion from being brought forward, had thought it better to express his approbation of it, than to meet it by moving the previous question, as he had been expected by many to do. If the right hon. attorney-general was sincere in the approbation he expressed, why had he not brought forward the general measure at once? For certainly the general measure, backed by securities, would have come better to the House than the measure now brought forward. He must express his hope, that many members who had supported this measure at first, would, upon consideration, agree in the propriety of its postponement, until they came to a vote on the general question. The question, as it now stood, was not whether the story of Titus Oates was false or not, whether Charles 2nd was a Catholic, or whether the Catholics were unjustly deprived of their privileges or not; but it was, whether, because they were lords, they ought to be restored to their privileges *instanter*? But if ever a time should arise when such securities were offered as would be deemed sufficient in the opinion of his right hon. friend (Mr. Peel), and would induce him to relax his opposition, then, and not till then, would he accede to the concession.

Mr. *Wetherell* said, that upon all former occasions he had been an opponent of the measure, termed Catholic emancipation; and whatever objections, founded upon what he conceived to be the just and wise policy, and the real principles of the constitution, had upon former occasions appeared to him to be fairly available against

the measure, in the different *shapes* in which it had been formerly brought forward, had in his judgment assumed a double weight as against the extraordinary bill then under consideration.

It belonged to great genius to take a flight peculiar to itself, and to quit the beaten course of ordinary men; and in that respect no person had higher pretensions than the right hon. gentleman. But what struck him as so singular in this instance was, that the right hon. gentleman not only differed in the step he now proposed to take, from the common mass of opinions on the subject, but he was equally at variance with the known and declared opinions and the practical conduct of all the great men who had preceded him, in endeavouring to accomplish the same object. The right hon. gentleman's name might be well classed with those of his illustrious predecessors in the field; Mr. Pitt, Mr. Burke, Mr. Fox, Mr. Windham, Mr. Ponsonby, and Mr. Grattan. Equal rank with them as Catholic emancipators, the right hon. gentleman would ask for, and it was assuredly his—superiority he would probably not aspire to—and yet, however strange, so it was, that the right hon. gentleman forgetting the sentiments and professions of these, his former companions in arms, took a course diametrically opposite to theirs, and virtually and in effect, condemned their policy and threw a reproach on them for want of liberality and wisdom.

If the right hon. gentleman's measure was right, their's was wrong; for their's and his were repugnant and incompatible. Soon after the Irish Union, Mr. Pitt first broached the general idea of what is called Catholic emancipation. The entire intermixture of the countries, as he conceived, counterbalanced the local preponderance of the Catholic population of Ireland, which, in the separate state of that country, as he thought, could not safely be entrusted with an accession of power and strength. But that great man, whenever he spoke of the measure he had in prospect, contemplating, as he probably did, the equalization of Catholics and Protestants, in all their relations towards the state, and in all their civil functions and employments, always spoke of concessions to be made and of securities to be required. The precise nature of these securities he did not indeed specify, for no measure had then been matured on the subject, nor was any practically brought forward in his time, and therefore the species, the quality, the detail and structure of these securities, which he conceived to be essential, cannot be exactly known. But it is indisputable and beyond doubt, that Mr. Pitt, the first author of the idea of abolishing the distinction between the two religions, for the purpose of general and equal civil capacity, never dreamt of absolute and unqualified, but of qualified and conditional emancipation. His doctrine was, not that Catholic interests and feelings were unproductive of any danger; on the contrary, his doctrine was, that the apprehended danger did exist, but that it might be balanced by securities sufficient to control and overcome it. Mr. Pitt's plan was that of some general measure with securities. What was the right hon. gentleman's plan, a partial measure without any securities whatever. The comprehensive theory of that great statesman, was thus completely abandoned and repudiated by the present bill, which was its direct reverse.

But this was not all, after Mr. Pitt's death, in proportion as the subject advanced towards some practical step, the Catholic community were themselves consulted, and a kind of negotiation was entered upon, and securities to a certain extent were offered by themselves. There were many difficulties in their final settlement; but still securities were offered. The project proceeded and the cause of emancipation from time to time gained considerable strength, till at length Mr. Grattan's bill was brought in, the provisions of which he should hereafter have occasion more particularly to notice. Their general contents were already within the recollection of the House. What were the opinions of Mr. Grattan on this subject may be learnt equally from his speeches and his bill. Mr. Grattan's plan, following that of Mr. Pitt, was, to adopt a general measure which was to comprehend all subjects of difference with the Catholic body; the affairs of their church, the appointing their bishops, and other ecclesiastics, their mode of correspondence with the see of Rome; their claim to admission to both Houses of Parliament, and to fill civil offices. These concessions having been made, pledges and securities were to be given as far as could be, to prevent an abuse of this equal power, and to enforce and maintain their perfect alliance and consolidation with the state. Amongst the most warm and most zealous friends

of emancipation, this kind of feeling was expressed; give every thing which ought to be given, and demand every thing which can be reasonably required; do this, and unanimity and confidence will instantly assume the place of jealousy and distrust. Mr. Grattan's precise expression when he produced his bill was, "Here are our securities, where are your concessions." Now what a strange contrast with this full and comprehensive plan of Mr. Grattan, this exchange of terms mutually proposed and complied with, which was to harmonize and unite both parties in common and equal confidence; what a grievous departure from all this was this insulated step, this fragment of a system, this piece-meal legislation which they were called upon to adopt! The peer is to be invested with the most honourable, the largest, and most valuable power in the state; and is bound by no oath, test, or security whatever, to recognize the civil superiority of the state, or the supremacy of the king upon those various subjects so highly important to the independency and the very being of the empire, and so absolutely essential to the power and just prerogative of the Crown as the civil head of the government, which have always constituted, and still constitute the danger of external influence and authority, on the part of the see of Rome, under the pretence of mere and pure religion. Why is this unrestricted unlimited confidence to be placed in the peer alone? Why, because we have been told, and truly, that from the time of queen Elizabeth, to the 30th Charles the second, there was no test to exclude peers from taking their seats. Queen Elizabeth says in her statute that she was otherwise "assured of the faith and loyalty of the temporal lords of her parliament and therefore does not require them to take the oaths of supremacy imposed upon the members of this House." From Charles the second's time to this moment, the test has equally affected both Houses; and now, by a partiality and predilection for the aristocratical order, not very congenial to the feelings of this House, not quite consistent perhaps with our immediate duty to secure the popular and plebeian rights of our own equals and constituents, we are called upon by the right hon. gentleman's bill to keep the doors of this House still closed against a Catholic commoner, by allowing the statute of queen Elizabeth to remain in force as against them, while, with more politeness than justice, we are about to restore the excluded lords; our friends the commoners may well complain of our desertion in leaving them in the lobby.

It might have been as well to leave the House of Lords to originate this bill themselves, though I agree with the right hon. gentleman, that he has precedent in his favour, for the exclusion bill of Charles the 2nd, actually originated in this House; and instances may be produced in which the House of Lords have originated bills upon subjects apparently more appropriate to ourselves. It is not worth disputing, however, whether propriety would most require the initiative of the measure to be elsewhere or here. But other and infinitely more important considerations grew out of this solitary and isolated step, which will hereafter involve the justice and consistency of this House as they affect the Catholic body at large. If the peer is to be made the precursor of the commoner into parliament, unrestricted by those oaths and securities which by Mr. Grattan's bill in 1813, and by the bill of the last session were imposed on lay Catholics as well as upon the church. If the peer is to take no oath of supremacy according to the right hon. gentleman's bill, I beg to ask on what ground can the Catholic member be restricted by such an oath? Are we to allow our own House to be subjected to tests which it is thought safe and advisable to remove from the other House?

Why then the right hon. gentleman either does or does not mean that the Catholic commoner and the Catholic peer shall be placed on the same footing.—If that be his intention, why should not both, contemporaneously and *passibus æquis* be allowed to sit in parliament?—But, if the right hon. gentleman does not mean to treat the two cases as the same, why does he not?—for constitutionally they are identically the same, and if he will not—this House must treat them as the same, unless it chooses to abandon its character equally for consistency and justice. But it may be answered to this, that next session a bill may be introduced to repeal the statutes of Elizabeth, and what difference is there in a few months. Why this series of separate bills, and separate measures, this legislation *sparsim* is the very thing to be complained of.—It is destructive of the essential character and admitted policy of the

general measure as an entire system.—Next session comes a bill to make the Catholic commoner admissible here.—Can you demand oaths and securities from him?—No—The session after this the pretensions of the Catholic church will be advanced.—They will say, why entertain fear or jealousy of us?—why suspect our allegiance and submission to the civil supremacy of the state?—Why quarrel with us about the limits of what is spiritual discipline belonging to the pope as a mere religionist and civil power which belongs to the king?—You have trusted the peer and the member of parliament on this subject—you have actually committed into their hands, a large share of the civil power of the state itself, leave to us the mere private discipline of our church:—What answer will you give, to the Catholic church.—Lastly comes a bill to grant admission to all civil offices.—Why ask security from a removable servant of the Crown, when none is to be taken from a member of either House?—Can any gentleman fail to see that this course of proceeding at once destroys the very basis of that system of confidence to be founded on just protection and precaution which was to be made the vital principle of the measure.—For upwards of 20 years, from the time of the Irish Union, we have heard of nothing but concession and security—these terms have been coupled together, whenever Catholic emancipation was mentioned—they have always been associated and treated as inseparable in every publication out of doors, in every speech made in this House, and in the silent votes of those who did not speak.—But what is still more, they were embodied and combined together in Mr. Grattan's bill in 1813, and in the bill of the right hon. the attorney general for Ireland of the last session. They have had the sanction of members of this House on several discussions—and this House, having, in the last session, legislatively declared by passing the bill that securities were necessary,—the right hon. gentleman by his present bill, which is the acme and perfection of unrivalled singularity, is calling upon the House virtually to declare that they are not necessary, and to involve themselves in the inconsistency of contradicting their own vote of the last session. He trusted that he might be allowed to address this point to the considerate reflection of the House—and to ask, how it was possible for this measure to inspire harmony and conciliation, and to give satisfaction or confidence to the Protestant mind and feelings of the country, when a contradiction so palpable could be so justly imputable to parliament itself. He would, however, endeavour to follow the right hon. gentleman and to examine as well as he could, what were his own reasons for deserting the general measure, and taking up his partial and particular measure.—As far as he could judge of those reasons, dropping the splendor and eloquence of the right hon. gentleman's speech, it seemed to him, that his first proposition was, that the exclusion bill of Charles the second grew entirely out of the pretended Popish Plot—that it was the offspring of the delirium and alarm which then agitated the public feelings.—That its origin was unjust, and that its continuance was equally so.—Now he would agree with him in saying, that a great part of Titus Oates's narrative was a huge lie. Dryden's description of it is perhaps the best.

> "Some truth there was, but dashed and brewed with lies."

It appeared foreign to common sense that the Papists should enter into a scheme to assassinate the king who was supposed to be at heart a Papist, though he dared not to shew any marks of external conformity to the church of Rome.

But granting a great part of the plot to be a fiction. It is notorious, that during the reign of Charles 2nd, a correspondence was carried on with the see of Rome and its emissaries, for the purpose of supplanting the Protestant religion. His right honourable friend (Mr. Peel) had already alluded to it. He would, however, refer the House to a very important historical document on that subject, which would prove that Louis the 14th was well acquainted with, and a party in these transactions. He alluded to the dispatches which passed between the French court and Barillon, who was then minister here, which Mr. Fox first brought to light, and published in his historical work, having obtained them at Paris from the archives of the secretary of state's office. It appears, that as soon as the breath was out of the king's body, Barillon writes over to Versailles, and it is pretty clear from his letter that the king died in communion with the church of Rome, and 10 days afterwards the king directs him to ascertain what "*was the strength of the Catholic Party in England.*"

It cannot be doubted, that during the reign of Charles the second, the Papists were encouraged with the hope, and entertained the project, of overturning the Protestant establishment at some future opportunity, and though the right hon. gentleman has said, that the exclusion of the duke of York was the principal object of the bill, I cannot agree with him in thinking that the exclusion of Catholic peers was unjust or uncalled for by the circumstances of the times, though the imputations then raised against Papists may have been aggravated, by mere fear and alarm, beyond the truth.

But be this as it may, and supposing that at the precise period when the restriction commenced, no case of fair and reasonable necessity for its *origin* existed —What would the right hon. gentleman say to the whole transactions, to the entire character of the reign of James the Second?—Would he say, that there existed no fair and reasonable necessity for its continuance during his reign?—Would he say, that the statute ought to have ceased and to have been repealed in his reign?—No—this would be much too absurd.—Well, then, supposing, for the sake of the argument, the origin of the exclusion to have been premature; the reign of James the 2nd would, beyond all doubt, have justified the origin of the exclusion then, as undoubtedly it justified the continuance of it.—He must own therefore that he could not feel the force of the argument, which the right hon. gentleman would deduce from his historical survey, for granting his view of the times to be correct—granting that the exclusion law was an unjust sacrifice to the popular delirium—granting the non-existence of any just cause for passing the statute;—still, if other causes afterwards authorised its continuance, as confessedly they did, the real questions were, at what former period the statute ought to have been repealed, and whether it ought to be repealed now.

This led him on, in the order of time, to the Revolution, it was to that important and momentous period—it was to what was then laid down and established as essential points in the British constitution, it was to the principles then fixed for the preservation of the Protestant monarchy, and liberties of this country, that he had ever looked and should ever look for the regulation of his own opinion on this subject.—And here his difference was extreme with both the right hon. gentlemen. But the right hon. gentleman (Mr. Canning) passing by the constitutional law of the Revolution, had endeavoured to insulate the case of the peer, and to treat it as a case standing upon grounds of exception to the general rule of the constitution, or upon grounds sufficient to distinguish it from the case of the commoner, and from the merits of the general measure — now what were these grounds?—Why the right hon. gentleman had said, that the peer *qua* peer had a right to legislate—that his seat in the House of lords is an absolute right, inherent in his rank and order—a right *a priori* flowing out of his peerage—this right he says, and truly, was taken away from the peer by the statute Charles the 2nd which operated as a depriving law, though he was allowed to sit under the statute of the 5th Elizabeth, which imposed a test operating as an exclusion of a Catholic commoner from this House. He had next said, that the case of the commoner is that of simple eligibility, or mere capacity of representation, a possible contingent privilege, not an absolute or positive right annexed to the person. Why undoubtedly for legal purposes this distinction exists, for the purpose of mere abstract or metaphysical definition this distinction may be drawn.—But for the purpose of the more large and ample definition of civil and political right—this difference between privilege and right, between the capacity to be chosen as a representative, and the original personal title of a peer, is most flimsey, and unsubstantial, and contrary to the genius and spirit of the constitution. In both cases the restriction is equally unjust, and improper, unless political expediency renders it necessary.—The commons as legislators can only act by representation.—The peerage acts personally and individually. The principle of deprivation or exclusion, by requiring a religious test, operates upon the representative character of a member, precisely in the same manner, and as injuriously, as upon the original personal character of a peer.—There is no practical difference between the functions which either party is prohibited from exercising. Politically speaking, the cases are one and the same. But upon this part of the subject, he had higher authority than his own, he had that of his right hon. friend the attorney-general for Ireland. The right hon. gentleman (Mr. Canning) had differed from every Catholic

liberator in bringing forward a part of the measure instead of the whole—and what was not less remarkable, he differed also in his arguments from every other person.—The House well recollected the able display of reasoning of the attorney-general of Ireland, when he supported his general measure in the last session; upon that occasion a passage was produced by him from lord Bacon, which was much cheered and applauded, in which that great man speaks of "*competency or ability*, to enjoy all the benefits of the constitution, as the birth-right of all the king's subjects" and the right hon. the attorney-general for Ireland, reasoned powerfully for the universal and equal political and civil right of every Catholic to enjoy office, honour and power under the state—upon lord Bacon's principle, and upon arguments precisely the reverse of those, by which the right hon. gentleman would now deduce the subtle and untangible difference between the eligibility of the commoner and the inherent right of the peer.

But, he had no objection to examine this notion of right in the positive sense, in which the right hon. gentleman now urged it. In that view his proposition seemed to be, that the exercise of a personal right, could not be made to depend on a religious test—for his own part, he had always understood, that, according to the first principles of civil society, right itself gave way to expediency. And that it was essential to the very existence of every government, of whatever form or composition, that the right to share in the powers of the state, must depend upon considerations of political expediency affecting each state.—Under this constitution a case could hardly be put, of any right which was not made to depend on expediency alone. But he would not travel beyond the particular case of rights subjected to religious qualifications. You have taken away, said the right hon. gentleman, the personal right of a peer, by the depriving statute of 30th Charles 2nd; restore it back to him again, place him in the same situation as he stood in at the Reformation.—But did not the very same argument upon the doctrine of right, embrace the Crown, as well as the peer? Had not the sovereign a personal right as sovereign, *a priori*, to maintain or oppose the Catholic, or the Protestant faith, whichever he might think the better?—yes. But by your coronation oath, you have taken away that personal right. Had not the sovereign a personal right to choose his consort? But you have taken it away by the bill of rights. Had not the sovereign a personal right to liberty of conscience in matters of *religion*?—yes. But the bill of rights has said no; he must and shall be a Protestant, and it exacts from him the same qualification as the statute 30th Charles 2nd exacts from the peer. The deprivation, then, of the personal right of the Crown is not an anomaly peculiar to his case. It stands upon that general principle which requires Protestantism from the Crown, from the member of parliament, and from every individual holding a civil place or office. If a peer were not subject to the same test, the anomaly upon the notion of right would just be the other way. The attempt of the right hon. gentleman was, to represent the case of the peer, as a solitary case, whereas it was actually the case of the king, and the case of the commoner, and was governed by the same pervading and universal principle which ran through every branch of the state and affected in a similar manner and degree every individual who lived under it.

He would now pass on to another topic in the speech of the right hon. gentleman, upon the soundness or fallacy of which depended, in his opinion, the most important consideration of the question.—The right hon. gentleman, throughout his speech, insinuated, that at the Revolution it was not understood that the legislature should be exclusively Protestant. And his right hon. friend, the attorney general for Ireland, had, in his speech, in terms the most direct, asserted, that the exclusion of Catholics was not a fundamental principle of the Revolution. This statement he had heard with utter surprise and astonishment, and he would undertake to demonstrate the direct contrary, and this from several sources. He would first refer the House to an important historical document, which he believed had not been noticed in the former discussions on this subject. Gentlemen recollected, that before the Revolution, James 2nd had endeavoured to sound the political feelings of the prince and princess of Orange. He would have made them parties if he could, in his conspiracy against the liberties and constitution of this country; fortunately he did not succeed, or we should have had no deliverer in the person of king William. The correspondence on

this subject was conducted by Mr. Stewart on the part of James 2nd, and by Pensionary Fagel on the part of the prince and princess of Orange. He would read to the House, Pensionary Fagel's letter, "And if his majesty James 2nd desires their concurrence in repealing the *penal laws*, their highnesses are ready to give it; provided those laws remain still in their full force, *by which Roman Catholics are shut out of both Houses of Parliament*, and out of all public employments, ecclesiastical, civil and military; as likewise those other laws, which confirm the Protestant religion; and which secure it against all the attempts of the Roman Catholics. But their highnesses cannot agree to the repeal of the test, and those other Penal laws last mentioned, that tend to the security of the Protestant religion; since the Roman Catholics receive no other prejudice from these, than the being excluded from parliament, and all public employments, and that, by them, the Protestant religion was sheltered from all the designs of the Roman Catholics against it, or against the public safety. That neither the test, nor those other laws can be said to carry any severity in them against the Roman Catholics, on account of their consciences, being only provisions qualifying men to be members of parliament, or to bear offices, by which they must declare before God and men, that they were for the Protestant religion, so that, indeed, all this amounted to no more, than to a securing of the Protestants from any prejudices it may receive from the Roman Catholics."

What will gentlemen say to this letter? They must dispute the plain meaning of the English language to get rid of its effect. Here is the demonstration of history—which will gentlemen prefer, the truth of history, or the beauty and splendour of the right hon. gentleman's declamation? Politically speaking, the letter was a treaty between king William and the British people—it was in the nature of a compact, combining these rules and maxims of government by which he proposed to bind himself.—His opinions had become known. It was ascertained, that he refused to join king James in his conspiracy to overturn the Protestant establishment, and it was this fixed point in his character which induced this country afterwards to place themselves under his protection. This correspondence took place some time prior to the actual crisis of the Revolution. Upon the abdication of James, king William was invited to take the vacant throne. He came here upon the grounds of political good faith—nay more upon the faith of a direct political treaty between himself and the British people—the fundamental principle of which was, to make Protestantism exclusively the basis and character of the constitution and the government, to consolidate it essentially with every one of its departments, and to make the profession and the practice of it a preliminary, and an absolute and indispensable qualification for the exercise of the political powers and duties of the state in every one of its branches. In the Crown, in the peerage —in this House and every civil place and office of every description.

When he heard this principle disputed, when he heard it denied as a Revolution principle, that the members of the two branches of the legislature which belonged to the people, must be exclusively Protestant, he could hardly trust his hearing. But assert it who may, and he was sorry when the assertion came from so high a quarter, the assertion was in the teeth of direct historical testimony, and not less in the teeth of the legislative declaration of the Bill of Rights. There may be, indeed, some principles of the constitution with respect to which, it must be left to construction to decide, whether they are Revolution principles. Some doctrines can be collected only inferentially, and argumentatively from what then passed.—But this point did not depend upon inference or construction, or loose understanding; nor did it want the aid of external history to determine, though he would still say that Pensionary Fagel's letter was an important historical document which ought to be kept in view as illustrating the legislative mind of the framers of the Bill of Rights. In that letter toleration principles are laid down, and a relaxation of the Penal Code, as far as it was not inconsistent with those principles. But the line of distinction is drawn and reasoned upon between the exercise of religion and the exercise of political power. The former it was proposed to place upon a liberal footing; but the restriction from sitting in either House of Parliament it is declared shall still be continued in force against the Catholics. In consonance with the principles thus avowed by the prince of Orange, the House recollects, that the act, called

the Toleration act, was one of the earliest of king William's reign, and he made good his promise to establish the freedom of religious opinions and worship. In consonance with the principle so plainly and explicitly avowed by him, that Catholics should not sit in parliament, you will find a declaration in the Bill of Rights embodying in itself, declaring and practically maintaining that principle in a very remarkable manner.

The House will recollect, that the first parliament of king William, called the Revolution parliament, was, in truth, not a parliament constitutionally assembled under the great seal. But it was a convention summoned by letters from the prince of Orange. He wished gentlemen would condescend to look into the Bill of Rights. He knew not whether they would like the trouble to do so, for he had been censured for the drudgery of reading too much on this subject. There might be such a thing as an alternative of that fault which he supposed was matter of praise. In this same Bill of Rights, now scarcely recollected, the doctrines of which are now repudiated, disputed, and denied, was to be found this remarkable passage—that the prince's letters of summons were written "to the lords spiritual and *temporal, being Protestants.*" And yet we have been most boldly told, but most unadvisedly, that the exclusion of Catholics was not a Revolution principle. This very statement, could only be introduced to mark the entire Protestant character of the legislature. And its meaning is as plain as if a declaratory enactment had been introduced, providing that the restrictive statute of Charles 2nd should continue in force. It operates virtually, as a re-assertion of the principle of that statute.

Pursuing the same line of inquiry, he would next refer to another most material source of illustration,—he meant that branch of the coronation oath, or rather that new and substantive oath, for the first time introduced at the Revolution, by which the Crown is bound to maintain the true profession of the Protestant reformed religion, established by law, and the rights and privileges of the clergy and the church. This personal duty and restriction upon the power and the conscience of the Crown, had never been imposed upon any sovereign after the Reformation. The coronation oath did not bind queen Elizabeth to maintain the Reformation; and the old customary coronation oath continued through the reigns of the four princes of the house of Stuart. It merely bound the Crown to preserve the rights and liberties of the people. But the coronation oath of king William imposed a new duty and a new personal character on the sovereign. It binds the Crown in its legislative, as well as in its executive character, to maintain the Protestant establishment with all its rights. The Crown, in its legislative character, and as one of three legislative estates of the realm, must be personally protestant, and it would be a breach of that oath to concur in acts of legislation subversive or injurious to Protestant interests. And precisely upon the same principle, the other two integral parts of the entire legislature were, at the Revolution, not for the first time subjected to the same restrictive qualification as the sovereign, but the antecedent restrictions were continued; and consistency required that it should be so, not for the purpose of theoretical uniformity, not for the purpose of the ideal beauties of symmetry and regularity in the features of the constitution, but for the necessary practical purposes of legislation in carrying on the affairs of a Protestant government with safety and permanency. What a gross violation of principle. What a monstrous departure would it be from all good sense and practical wisdom, that one constituent part of the legislature should be Protestant, bound by a rigid obligation on its conscience to maintain Protestantism, while the other branches might be Catholic. Was it possible that a state of things, so utterly incongruous and discrepant with itself, could be intended as a system for the government of this country. He was unwilling to trouble the House further with what passed at the time of the Revolution, because he thought it superfluous to do so. He must observe, however, that the drift of the right hon. gentleman's (Mr. Canning) speech rather went to infer, that this point had passed unobserved, or *sub silentio*, at the Revolution, and that the statute of Charles 2nd, now sought to be repealed, had not been distinctly brought under notice at that period. Now, it was not very likely that Somers was unacquainted with the history of the proceedings connected with Titus Oates's plot, and unversed in the general nature and transactions of the reign of king Charles

2nd. And so little time was it that the restrictions, virtually created by the statute of Charles against Catholic peers, and which prevented them sitting in parliament, were unnoticed; so little time was it that the letter and the spirit of that restriction were not intended to be kept alive and perpetuated by the constitutional system settled at the Revolution; so little was this the case, that it is remarkable that the Bill of Rights refers to the statute of Charles 2nd, and imposes upon the king, at the age of 12 years, the obligation of repeating that very identical declaration against transubstantiation, the repeating or refusal to repeat which, was introduced by the statute of Charles, as the qualification or disqualification of peers for taking or not taking their seats in the House of Lords.

The right hon. gentleman (Mr. Canning) had accurately enough divided his historical periods, and had commented at large on the transactions of the reign of Charles 2nd. He had excited the sympathy of the House by reminding them of the judicial murder of lord Stafford. The right hon. gentleman's main argument seemed to be the fiction of the Popish Plot; but the right hon. gentleman had not said one word as to the transactions of the reign of James 2nd, though these, he presumed, were not fictions but realities; nor had he even once referred to the Bill of Rights; nor had he said one syllable as to what was meant to be the real and permanent character of the constitution, as settled at the Revolution. It served well the purpose of the right hon. gentleman to omit all this. But his right hon. colleague had not so contented himself; for he had broadly asserted (how correctly he must leave the House to decide) that the power of legislation was not, at the Revolution, exclusively embodied with Protestantism. He would crave the indulgence of the House to say a little more, and it would be but little, on this branch of the subject. He could assure them that he wished to avoid going into the consideration of the general measure, and would only notice those points which had not been adverted to in former discussions, or which had a pointed and distinct bearing on the immediate and particular question now before the House.—Keeping within this range, he would next remind them, that about eighteen years after the Revolution, the very same principle by which the Protestant character and constitution of the English parliament was secured, was embodied into and made a fundamental principle in the union with Scotland. At a very short interval before the treaty of union was concluded, an act was passed in the then separate parliament of Scotland, by which the 16 representative peers, and the 45 members of this House must be Protestants, and must be elected by Protestants. And this act is made a fundamental article in the treaty of union.

Here again is the Revolution system evidenced and acted upon in the composition of the united parliament. It was entirely unnecessary to refer, for a similar purpose, to the union with Ireland. Now to be told in the teeth of all this that Protestantism was not intended at the Revolution to be made a personal condition and an indelible indispensable qualification to the taking a seat in either House, was a statement to which the authority of no man could give one moment's currency.

Wishing to confine himself entirely within the circle of the present question, he would proceed to notice some other topics in the right hon. gentleman's speech. He had said, that the statute of Charles 2nd, was intended as a temporary measure, in order to prevent a Popish successor; but that danger had long since passed and the restriction ought not, therefore, to be prolonged beyond the duration of that necessity which gave it birth; instead of this, it was now made an indiscriminate instrument of vexation. He would not go over that part of the argument again. It might be true, that object was more immediately the exciting motive, the *causa causans*, for the introduction of the law; but to him it was perfectly manifest that the continuance of it was intended at the Revolution to be made permanent precisely for the same reasons and upon the same principles as the provisions of the Bill of Rights, and the constitutional system of Protestant government was then intended to be made permanent.

Were the provisions of the Bill of Rights to cease when the Popish descendants of James the Second were extinct?—certainly not. Every future king of England in the new Protestant succession was for ever afterwards to be bound by those strict and rigid precautions which were deemed absolutely necessary to prevent the most distant ap-

proach of danger to the reformed religion and Protestant liberties of the people. Insomuch, that if any future king should hold communion with the Church of Rome, or profess the Popish religion, or marry a Papist, the crown instantly falls from his head—he is no longer king, and his subjects are *ipso facto* dissolved from their allegiance. It was not left to parliament by the Bill of Rights, to hear and try these breaches of its provisions, and declare the throne vacant by any intervention or act of legislation on its part. But the fatal consequence is made immediate, absolute, and unavoidable. It was very true, that as long as a Popish pretender to the throne was in existence, the danger to the state from Catholic councils or Catholic power in the country was the greater. But to say, when that greater danger ceased, that all danger ceased, was reasoning which one could not well understand. And assuredly the Bill of Rights was founded on quite opposite reasoning, and introduced a system of permanent precaution to meet even possibilities. But the right hon. gentleman by his present bill, proposes to re-integrate the peer in his lost rights, and replace him in the same state, in which he stood in the reign of queen Elizabeth—unfettering him alone from all oaths, tests, restrictions, and securities, because danger had long ceased from a Popish pretender to the throne. As to the see of Rome, what harm could it do? whatever influence it had was gone, it had become *effete* and *inert*. And as to the legislative votes of seven or eight Catholic lords, they were melted and diluted in the mass of the peerage and were almost imperceptible. Danger externally or internally had become a vexatious pretence—such was the present strain of the right hon. gentleman's language. The right hon. gentleman had, on a former night, when he (Mr. W.) had ventured to address the House (and at no very auspicious season of the debate), told him, rather pleasantly, that he had reserved his more cogent arguments for the second reading of the bill. Now, if he could show that any arguments about to be used by himself, were in truth, the arguments of the right hon. gentleman against his own bill, he should then very confidently say they were cogent—not because they were personally his (Mr. W.'s), of which presumption he should not be suspected, but because they were the arguments of the right hon. gentleman himself, who could never be less than very cogent. Such arguments he thought he could produce from the opinions, the speeches, the votes, the compositions, and the legislation of the right hon. gentleman himself, upon former occasions connected with the subject before them. Danger, says the right hon. gentleman, now is an idle generality, no man can reduce it into shape and tell us what it is. And in conformity with this sentiment the right hon. gentleman's bill confers on the Catholic peer absolute and unqualified restoration to the legislative power of the peerage. But what did the right hon. gentleman think on this subject, how did he act upon it; how did he deal with the Catholic peers when Mr. Grattan brought in his bill in 1813?—Did the right hon. gentleman then assert the non-existence of danger?—did he then assert the claim of the Catholic peers upon those grounds of abstract original right upon which he now endeavours to distinguish them from a Catholic member of this House?—Did he then propose to confer upon them simple unqualified restoration to their power as it stood before the 30 Charles 2nd?—Why certainly not. The grounds then taken by the right hon. gentleman were precisely the contrary of all this, as much as one thing can be the contrary of another. And this difference does not rest upon speeches or arguments, for they may be forgotten or misunderstood; but the right hon. gentleman's opinions are recorded in Mr. Grattan's bill, in which he took so large a part. He would remind the House of the short contents of that bill. It was printed at length in the late publication of Mr. Grattan's speeches. The right hon. gentleman, and he hoped the House would well recollect the nature of it—in fact, it was almost as much the bill of the right hon. gentleman as of Mr. Grattan—That bill was not short as the present bill—not naked of oaths, qualifications, and securities, now so much decried as unnecessary by the right hon. gentleman; on the contrary, it contained a promissory oath occupying two pages of the book he held in his hand—an oath so voluminous, so minute, and so detailed, that it was a journey to get to the end of it, and the House would be fatigued and hardly have patience if he attempted to read it—he would not do so—but he would select the most pressing and strongest parts of it

He would, however, first remind gentlemen, that this oath was to be taken as a qualification by the Catholic peer as well as by the commoner before they could sit and vote in either House. In the first place the oath contained a disclaimer of the civil and temporal authority of the see of Rome in this country being a substitution for the former oath of supremacy.

Now what did the right hon. gentleman's present bill provide on this subject? Why, nothing—it dispensed with the necessity of taking the existing oath of supremacy to the king; but it substitutes no new oath whatever in the place of it.

Mr. Grattan's oath then proceeds to make the Catholic peer as well as the commoner swear, that he would defend the settlement and arrangement of property within the realm as established by law. It contains a disclaimer of any intention to subvert the Protestant church, and then the Peer is made by a strong promissory obligation to swear, that he would not use his privilege, power or influence to disturb the present church establishment, and that he would never abet others by any contrivance to make such an attempt.

Whether this oath acknowledged the pen of the right hon. gentleman as its author, or of Mr. Grattan, or of both, he did not know. But certain it was, that several other clauses forming a very important part of Mr. Grattan's bill, were personally brought up by the right hon. gentleman, and in the publication he now held in his hand, are dignified by his name. They comprise a very detailed system for the establishment of commissions for the purpose of inquiring into the loyalty of the persons nominated to be bishops, and for the purpose of control and supervision over the correspondence with the see of Rome.

Why did the right hon. gentleman think an oath of supremacy necessary in 1813, if it be not so now?—Why did he bind the Catholic peer then by that elaborate oath of which not one syllable has found its way into the present bill?—What was the difference between the case of the peer in 1813?—If there did exist grounds for apprehension in 1813 (and he had the right hon. gentleman's sanction and authority for saying that they did then exist) what had happened since to remove them?

But he must next remind the right hon. gentleman and the House, of the bill of the last session. The oath contained in that bill did certainly omit the promissory obligations of Mr. Grattan's oath. But it contained an oath of supremacy disclaiming the jurisdiction of the see of Rome in all matters which conflicted with the duties of undivided allegiance to the king, or with the duties of civil obedience to him or his courts.—But even this oath has been discarded by the right hon. gentleman as unnecessary, though a year only has elapsed since the right hon. gentleman by the part he took upon that occasion must have entertained a contrary opinion—and so did the House at large. When he witnessed so strange a course of proceeding, his own notions retrograded much upon the expediency of Catholic emancipation. What reliance could any man have?—What confidence could he assume, that the Protestant religion, and the rights and liberties of the people, so inseparably connected with it, were placed beyond the reach of attack and injury?—What satisfaction could the public or the Protestant population of the empire have, when they observed what was passing?—What rational man would say, that a system of precaution, protection and security upon this great subject, had been matured by the reflection and wisdom of parliament, when year after year, a bill was produced, each inconsistent with every other, the latter always in contradiction with the former, and all of them so irreconcilable with any fixed rule, standard or opinion, as to show, that there was not only nothing agreed upon between the opponents and supporters of the measure, but that there was no fixed principle agreed upon, even by the supporters of the measure among themselves. Upon former occasions great names were appealed to; but it was in vain for the present purpose. Mr. Pitt's name had been formerly mentioned—how could he have supported such a bill as this? Mr. Fox's authority had been referred to as in favour of the general measure. This distinguished man died before any practical measure had been agitated. But it was remarkable, that when the first relaxation of the penal code against Catholics was introduced by sir John Mitford, in order to secure their titles, and to enable them to enjoy real property, that great man expressly excepted the concession of enabling them to sit in parliament. He found no traces of his ever having changed that opinion. He was an authority not for, but against the right hon. gentleman.

If Mr. Grattan had been living—believ-

ing, as he did, that his sentiments were genuine and sincere on this subject, and recollecting as he did his manly avowal upon the subject of securities, he did not believe that he would have concurred in this bill. He was highly sensible of the indulgence of the House, and had little more to add. But the House would recollect that they were placed in a new situation by the nature of this bill, and by the novelty of the right hon. gentleman's arguments, and his wish was simply to advert to the new bearing and aspect of the question.

Upon a former occasion he had been a little sarcastically complimented by his hon. friend, the member for Knaresborough, as being the only man in the kingdom, who had read through that large folio volume, laid upon the table of the House, as the report of the committee appointed to inquire into the state of the Catholic church throughout Europe, chiefly for the purpose of ascertaining their relations, and subjection to the civil government, &c. of each state. Certainly, that folio had rather a repulsive exterior, which, to many persons, was a perfect veto against opening the leaves of it. He had no morbid appetite for drudgery and superfluous labour; but, he must confess the crime of having made himself master of the report; and he was glad that he had done so, because the House would probably give him credit for stating the result of it.

His opinion had always been, that in order to find out what submission to the king, as the civil head of the constitution of our country, we might reasonably exact from the Catholic body, it was a fair criterion to inquire what control was exercised, and what preventions were interposed by the different states of Europe to exclude the interference of the see of Rome, and to maintain their own internal government. With this view, he had felt it to be his duty, to trace the subject through those papers, valuable in his individual opinion, which had been transmitted from the different foreign courts, which it seems were, in the eye of other persons, so useless, that they ought not to have been compiled, and which had been printed, in vain, not to be read. And having done so, he would in his seat assert, that there was no state upon the continent, from large Austria, to little Venice, which had not armed itself with that control over the Catholic religion, in all its external and internal relations as they might affect the civil power of each state, which it was now thought wise in this country to cast away and abandon. And he would ask of the Catholic emancipators a question, to which they perhaps might be able to give an answer, but to which he protested he could give none. Why Great Britain was to be the only territory in Europe, in which the Catholic religion and its professors were not to be bound by the same principles of submission to the civil supremacy of the state, which were exacted and enforced in every other corner of Europe? What was there so peculiar in the British constitution, that its safety was beyond the reach of attack, and that we should throw away those precautions, for maintaining that perfect independency of the external influence of the see of Rome, operating through the internal agency of its religion, which every other government thought absolutely essential to its preservation? Why, he knew, indeed, that apprehensions from this quarter had been treated with ridicule and levity. Were we, it is said, to be terrified now with the barbarous bigotry which prevailed three centuries ago? Were we to be frightened now with the Catholic league, and the Spanish armada? He felt no greater alarm now, from those ancient terrors, than other gentlemen did. But he had heard the see of Rome at the present day, represented to be equally inert in its dispositions, and impotent in its measures. Now, if those gentlemen, who were so averse to reading the papers on the table, would allow him to offer them the result of what he was happy to have read, in order to save them trouble he would convince them of the contrary. In the year 1786, a period of no very dark antiquity, the pope actually established ecclesiastical tribunals in several of the electorates of Germany; this encroachment produced a congress of all the ecclesiastical electors, which was held at the Baths of Embs, and the emperor, as the head of the Germanic body, sent a strong remonstrance to Rome, declaring that he would defend the rights of the Germanic body against what he properly called an *unwarrantable usurpation*. But the latest instance of this inertness or apathy, which are now said so much to distinguish the character of the church of Rome, is the best and most remarkable. In Spain, it seems, that the bishops and archbishops take an oath, for the same purpose as our own oath of

supremacy, by which they swear fidelity to the king, and deference to his prerogatives. Now, no longer since than the 20th of November 1814, the nuncio of the present pope made application to the Spanish government to omit the clause respecting the obedience and deference to the royal prerogatives. But the court of Madrid returned for answer, "that no innovation should be made in the oath." Now, will the Catholic emancipators, or the right hon. gentleman in his reply, have the goodness to inform us why at Madrid, the favourite climate of papal feelings and principles, that very oath to secure the civil supremacy of the Crown in its objects and purposes, the same as our own, should be deemed requisite to maintain the independency of that country, which has become so useless or so unjust, under the Protestant monarchy, and Protestant constitution of Great Britain, as to require unqualified abolition.

He should detain them but a moment longer; had those gentlemen who so boldly asserted the effete state of papal intervention as it might operate on foreign governments; who would give us to understand, that there is scarcely vitality or existence in such an idea—have they forgot the coronation of the emperor Napoleon, by that authority which we are told, politically speaking, is a nonentity—have they forgot, that by the same authority, Napoleon was divorced, in order that he might ally himself by marriage with the House of Austria, and perpetuate his usurpation in a family of his own; an event, of the consequences of which, notwithstanding what had since happened he would say, God grant they may continue indifferent and innoxious, to the future destinies of France and of Europe. But he was too sensible of the indulgence he had experienced to occupy the time of the House any longer; and, therefore, he should conclude, by saying, that the grounds of his decided opposition to the partial and singular measure of the right hon. gentleman were, its utter repugnancy and contradiction, to those views of the general question, which had been taken of it by either side, and even by those majorities which had formerly been successful.—He concluded with moving, "That the second reading be put off till that day six months."

Mr. *Wilmot* said, that though he had voted before for concessions to the Catholics, he had never stated his opinion upon the question; but he should now take the opportunity of doing so, because he had the misfortune to differ with a large and respectable body of his constituents. The learned gentleman had asked, why this measure was separated from the general measure? He was not bound to answer that question. All that he was bound to do was to examine into the general merits of the measure. He would therefore ask the learned gentleman whether there was any thing in the Roman Catholic religion that disqualified the Catholic peer from doing his duty as a legislator to his fellow countrymen? He was certain the learned gentleman would admit that there was nothing of that nature in the tenets of the Catholics. "But," said the learned gentleman "would you give concessions without demanding securities?" To that question he would reply by saying, that he could not ask for securities where he saw no danger. Now, he saw no present danger from the admission of Catholic peers into parliament; and even supposing that there was a distant contingency of future danger from such a measure, he would say, as the House of Commons had long been a debtor to those noble lords for the immunities which it had withheld from them, it might afford to be their creditor for a short time for the securities required. Had it been the fortune of our ancestors to have lived in the present day, he was sure that, though they might have originated these disabilities, they themselves would have given the motion of his right hon friend their support.—Much had been said as to the obligations of a king at his coronation; but he denied that there was any thing contained in the coronation oath which could at all prevent his majesty from consenting to revoke any restraints at present bearing on his Roman Catholic subjects. He denied the contrary assertion, because such a consent would not endanger the safety of the established church. He was equally prepared to deny that an alteration of this kind, in favour of the Roman Catholic peers, could by possibility be as dangerous to the country as it was formerly supposed to be; conceiving, as he did that our constitution was sufficiently plastic to adapt itself to any such change. At the same time, he was willing to allow, that Charles 2nd was actuated by most corrupt and un-English principles, and was a Catholic in heart as well as in fact.

Danger was justly apprehended from Catholic influence under such a king, and under his brother. But let the House observe, after the expulsion of the Stuart family, how gradually less those apprehensions had become, and, how many severe statutes had been repealed, until, in the reign of our late beneficent sovereign, the civil condition of the Catholics had been considerably ameliorated. By such partial relaxations, government themselves had forced the Catholics to ask for concessions; they had permitted them just to taste the cup of civil liberty, and then had dashed it from their lips. For his part, he anticipated no inconvenience from granting the concession at present asked for. They had been told, however, by an hon. and learned gentleman that in another House these seven peers might produce certain evil consequences; as if, in the first place, their influence upon the sentiments of the great body of our nobility was to be such as to direct their votes and conduct; or, in the second place, as if all these seven peers must necessarily be of the same opinion on political matters. But the hon. and learned gentleman had said, that the passing of this bill would be heart's-ease to the Catholic peers, and heart-breaking to the Catholic body. Good God! was that House called upon in this way to supply arguments to the Catholic population? Were they to suppose that the Catholic population would repine because the Catholic peers were restored to their seats in the House of Lords? Would they not reject the suspicion with disdain? Was it necessary here to discuss that endless question of securities and of the influence of the Papal See, which, in deliberating upon the general question, had always been found the great, the almost insuperable difficulty, although it had been very properly made the first question to be ascertained. The present measure rested upon grounds entirely distinct and separate. He would support it, because he was convinced it was a proper measure, because he believed it would conciliate the people of Ireland, a people for whose loyalty he felt respect, and for whose sufferings he felt compassion; and lastly, because it would restore to a noble and illustrious order of men the rights which their ancestors possessed, and which they had never forfeited by crime or dishonour. He recollected well, during a discussion on this question, which took place in the other House of parliament about eight years ago, having seen a noble lord with his son, a lad about twelve years of age, standing at the bar of the House. The nobleman to whom he alluded, turned round to a friend of his, and said, "The result of this night's discussion will determine me whether I shall encourage or repress the spirit of emulation in this boy's mind" [Hear, hear!]. He knew not what course that Nobleman took with respect to the education of his child; but this he knew, that it was unworthy in that House to preserve laws which went to degrade all that was noble, and to stifle in honourable minds the desire and the hope of serving their country. Neither in a political nor religious point of view was there any real objection to the measure; He would therefore invoke them, in the spirit of the constitution, to give freedom to those who never forfeited their rights; and, in the spirit of religion, to "do unto others as they would wish others should do unto them."

Mr. *Foster* said, that until the penal laws were totally repealed, the peace and tranquillity of Ireland would never be restored. But, in repealing those laws, parliament should take care to carry the mind of the country with them. He denied that the mind of the Protestants was with the present measure. He would support the general measure; but he thought at present that the country was taken by surprise, and that the question of securities was evaded. He would therefore vote against the bill.

Dr. *Phillimore* observed, that upon former occasions, the supporters of measures tending to remove the disabilities of the Roman Catholics had been met with such remarks as these—"Deal not with us in general propositions; give us some specific measure." It could not, on the present occasion be objected, that a specific measure was not brought forward. He was ready to admit that the general question was one that had been ever nearest his heart; but the present measure, standing as it did on peculiar and very favourable grounds, had his most hearty support. The experience of every page in our history since the period at which disabilities were first imposed upon Roman Catholics served to prove the claims which the peers of that persuasion had, to an act of justice like that which the legislature were now called upon to pass. The learned gentle-

man then proceeded to show, that when the Spanish Armada had sailed upon its destination and approached our coasts, queen Elizabeth confided the chief command of that navy which had proved the salvation of the country, to a Catholic peer, lord Howard of Effingham. In the reign of Charles I., it was a memorable fact, that the Catholic peers voted in favour of the Protestant bishops. During the civil wars which ensued, it had been calculated that of the three hundred noblemen who bravely perished in the cause of royalty, no fewer than 190 were Roman Catholics. The exclusion of these peers from their seats in the House of Lords was the result of evidence of a description the most perjured, and of alleged plots which had no real existence; and that the strongest authority for the harsh measure of expulsion was the testimony of wretches such as Oates and Bedloe. The iniquitous system which they had contrived was consummated by what historians had justly denominated the judicial murder of lord Stafford. The learned member here read an affecting account of the trial of that noble peer given by Mr. Evelyn, who had witnessed the whole of the proceedings. Mr. Evelyn indignantly complained that the life of a virtuous and aged nobleman should have been taken away upon the evidence of a witness, "whose testimony, with impartial men, would not be considered sufficient to hang a dog." When it was said that the Catholic peers would act with hostility towards the Church of England, what proof of this had they from experience? When the bill was agitated in the House of Peers in the reign of Charles I. to exclude the bishops, how did the Catholic peers vote? How did the ancestor of the duke of Norfolk vote on that occasion? What greater possible danger could be apprehended from Catholic peers than from peers denying the divinity of our Saviour, or the doctrine of the atonement, or professing Presbyterianism, a doctrine much more hostile to the Church of England, in many respects, than Catholicism, and under which the church had actually been trampled under foot? As a measure of retributive justice and Christian charity, they were called upon to pass the bill.

Mr. *W. Courtenay* thought the hon. and learned member for Oxford had not addressed his arguments to the true question before the House. That question was not whether these disabilities were or were not rightly imposed in the first instance, but whether it was proper to continue them? They had been passed at the time of the discovery of a plot, and when the nation was under the influence of general alarm. It was provided that Catholics should not have access to the king's person. At present there was no fear of their getting near the person of the king, but it was feared lest they should get to sit in parliament. But he would ask, which was of the most consequence, the access of Catholics of rank, influence, and talents, to the sovereign, whom they might sway by their counsels; or their sitting among the mass of Protestants in the House of Peers? If any danger existed formerly, none existed now. He rejoiced to see a system of toleration prevail among all classes: The annual indemnity bill was passed to enable Dissenters of all denominations to sit and vote in parliament. The army and navy had been opened to the Catholics. Their peers might fill the most exalted ranks, and enjoy all the advantages of promotion. In short, they were intrusted by law with every species of power that might be dangorous, yet refused admittance within the walls of parliament where they would be subject to control. Surely this was a most glaring anomaly! Looking at the present state of Ireland, it was most important that this bill should be passed, that those who had hitherto been most unjustly excluded from the benefits of the constitution might feel a common interest, and unite in a common cause. The friends of harmony and tranquillity must be the friends of this bill. He felt a strong persuasion that the great general measure was silently making its progress towards ultimate success; and he conjured gentlemen who had not yet voted or who having voted still doubted, to consider whether the present was not the precise moment when such a gracious concession ought, for the general welfare, to be made.

Mr. *W. Peel* did not believe that the supporters of the bill were aware of the consequences that would ensue if it were passed into a law. The question was not merely whether six or eight Catholic peers of high character should be admitted into the other House; but, if this partial measure was successful, Catholic commoners ere long would be introduced into this House, and there would be no reason why other sects should be excluded. What, then, became of the security of the Pro-

testant church? It had been said, that the majority of the inhabitants of Ireland were in favour of the measure; perhaps so; but if it were possible to poll the whole population of the three kingdoms, the numbers would be greatly against any further concession. He could not tell how any man who hoped for tranquillity could support such a proposition. If the present were the time to admit Catholic peers, why was it not the time to admit Catholic commoners? And if so, why had not the right hon. the attorney-general for Ireland brought forward the general question? Had he been a Catholic peer, he declared to God he would have objected to the introduction of the separate question, and would not have accepted of a boon that was not given to all those who were of the same persuasion. He should be glad to learn why this question was now agitated. Its most sanguine friends could not hope that it would pass into a law; and it was only imposing upon the peers the invidious task of throwing it out.

Mr. *Wynn*, after complimenting the hon. member for Newcastle (Mr. Wilmot) on the liberal view he had taken of the subject, expressed his concurrence in the opinion, that the passing of this bill could have the effect of tranquillizing Ireland. In every view it was most important, but in this view it was incalculably so. Without it, all future measures of conciliation would want half their grace, and every measure of coercion would acquire additional severity. He saw no reason for not carrying a partial bill of relief, if the general measure could not at present be advantageously brought forward. After referring shortly to the proceedings in 1813, and regretting the vote he had then given, the right hon. gentleman went on to contend, that no danger could result from the admission of Catholic peers into the other House. If, as the hon. member who last spoke apprehended, this bill should be followed by others to admit commoners, then was the proper time to object. At the present moment, other sects were not excluded. The learned member for Oxford also dreaded much from the votes and influence of six or eight individuals; and had contended, that if Catholics were admitted into the legislature, the king ought to be released from the obligation not to marry a Catholic. There was, however, a most decided difference between the cases: the Catholic peer would be controlled by the Protestant majority, but the king was complete in himself, and could exercise his prerogative without control, excepting from public opinion. The learned member for Oxford, however, did not seem to think that public opinion would be any check, and that the king could, if he wished it, create a vast number of Catholic peers. It would be just as easy for the king to march the 1st regiment of guards into the House of Lords and make them all peers. The thing was impossible in the present state and frame of society. It had been asked, where are the securities? And it had been fairly answered, where are the dangers? He had supported the bill of 1821 with securities, not because he thought them necessary, but because he thought that they would contribute to the success of the measure; nay, he would consent to their insertion in this bill, if they would be at all useful. When he recollected that it was now 290 years since the Reformation, and that during half that time the Roman Catholic peers had sat in parliament without the slightest imputation, even when they were much more numerous than at present, he could not entertain a moment's fear as to the effect of their influence. If any man could point out a single inconvenience that really arose to the constitution in consequence of their formerly having seats, he would admit that an argument of some weight might be founded upon it. Not very long since, within the memory of some present, the Roman Catholics were looked upon as a distinct class. That distinction had now been removed; and he was satisfied that the time was not very far distant, when they would be admitted into both branches of the legislature, without exciting the least apprehension. If there were a discrepancy in admitting peers and not admitting commons, it was a discrepancy that had existed for a century. In conclusion, he was ready to vote for any bill, the effect of which would be to remove any of the disabilities, however unimportant, under which the Roman Catholics laboured.

Mr. *Martin*, of Galway, said, the hon. and learned member for Oxford had come forward on the present occasion as one of the Horatii. [A laugh.] He begged pardon of the House if he had not pronounced the word correctly. He trusted the bill would be carried. It was not connected with the general question, and had not been brought forward by his

hon. friend (Mr. Plunkett) because it was considered that the present time was unfavourable to the discussion of the Catholic claims. All the restrictions imposed on the Catholics had been condemned by Blackstone. That learned commentator said, that if ever the time should arrive when the authority of the Pope ceased to be formidable, and there was no pretender to the Crown, it would be proper to repeal the laws against Catholics. Now the authority of the Pope had ceased to be formidable.

Mr. Secretary *Peel* said, that after having stated his sentiments to the House so fully on a former evening, it was not his intention at present to occupy much of their attention. He rose, rather for the purpose of removing some misconceptions and misapprehensions. He did not object to the measure, because it was a partial measure, nor did he solicit the vote of any gentleman who might concur with him in his objections to the particular measure, under the impression that when the general question came to be discussed, his (Mr. P's) opposition to it would be relaxed. It was impossible, after the House had so recently passed a bill removing the disabilities affecting the Roman Catholics, that he could anticipate so decided an opposition to the general measure, as might have been expected in former times; but he would not relax his opposition to the measure, because he foresaw the probability of its ultimate success. He apprehended that it was in the true spirit of the constitution that members of that House should maintain their opinions to the last, notwithstanding overwhelming majorities against them. If it were probable that the general measure would be carried, the argument for the particular measure was, *pro tanto*, weakened, and in proportion to the probability of the ultimate success of the general measure, he did most earnestly deprecate the success of the present bill. He should merely state the outline of the argument on which he relied, without referring to collateral topics. If the House should take a different view of this question, he should have another interest to look to, and another duty to perform; for it would then become his duty to endeavour to create as little evil, and derive as much good as possible from the measure. He did not object to the present measure because it was partial; for there were some partial measures to which he should not object, such, for instance, as that of placing the English and Irish Roman Catholics on the same footing, or that of granting the distinction of a silk gown, and other privileges, short of the judicial functions, to Roman Catholic barristers. There was a great distinction between a specific and a partial measure; and his objection to the present measure was, that it was partial in its operation while it was general in its principle. It had been argued, that there could be no danger in restoring a few noblemen of distinguished rank and excellent character, to the privileges which their ancestors enjoyed; but, could any man of common sense fail to see the sophistry of this argument? The question was not, whether half a dozen individuals should be restored to the privileges of their ancestors, but whether the disabilities affecting one branch of the legislature should be removed, while they continued to be imposed on the other—whether the Crown should have the power of creating an unlimited number of Roman Catholic peers, while the people had not the power of returning to the House of Commons a limited number of Roman Catholic representatives. It had been contended, that the disabilities affecting the peers ought to be removed first, because they were latest imposed upon them; but if there was any validity in that argument, it would go to prove that all restrictions should be first removed from the throne.—With regard to securities, that part of the subject had not been discussed in the last debate, and in his opinion it would have been better to pass it over in silence, than to allude to it in so ominous a manner as in the present discussion. They were now told that these securities were never necessary, that they had been adopted merely for the purpose of quieting some ridiculous and exaggerated fears of Protestant bigots, and that the best security was to be derived from the unqualified admission of our Roman Catholic fellow-subjects to the enjoyment of equal rights and privileges. If such was the language adopted now, and the present bill were to pass without any securities, what would be the arguments employed with regard to securities when the general question came to be discussed in the next session? The advocates of this question so frequently shifted their ground, that it was not easy to anticipate their arguments, or unravel all the sophistries to which they might have recourse—

"Quo teneam vultus mutantem Protea nodo?" There could be no doubt, however, that if the present bill passed, it would be urged as an argument next session against every species of security.—There was one point to which he was particularly desirous of calling the attention of his right hon. friend. The present bill professed only to remove the disabilities affecting the Roman Catholic peers; but it went much farther, for it would have the effect of relieving the House of Peers from the necessity of taking the oath of supremacy. This was a most serious difficulty in the way of the measure. As far as authority went, he had that of the late Mr. Grattan, Mr. Ponsonby, and almost all the most enlightened advocates of the general question, against repealing the oath of supremacy. So enamoured, indeed, were they of this oath, that another oath of supremacy, to be taken by Catholic peers, had been annexed to the bill which passed that House in the last session. That oath was solemnly recognized by the Bill of Rights, the charter upon which king William accepted the throne at the Revolution, and which differed from all other acts of parliament, in being declared to be permanently enacted as the law of the realm for ever. There was the same guarantee, therefore, for the continuation of the oath of supremacy, as for the exclusion of Roman Catholics from the throne, and the maintenance of the rights and liberties of the subject. He could not but consider it a fatal objection to this measure, that it exempted the House of Peers from the necessity of taking this oath, which had been framed in the reign of Elizabeth, and which was solemnly recognized by the Bill of Rights. He would admit, that at the period when the Catholic peers were excluded the House of Peers was under a temporary alarm from Titus Oates's plot; he would admit that they acted under duress, and that they were not in possession of their right faculties; he would admit that the trial of lord Stafford was unjust, and that his execution was a judicial murder; yet he still contended, that there might be other concurring circumstances which formed a sufficient ground for the enactment of the bill affecting the peers.—But it was said, that, even admitting that there were circumstances which justified the exclusion of Catholic peers from parliament, those circumstances had ceased, and the disabilities ought to cease with them. If the validity of this argument were admitted, the House must be prepared to abandon many of the best securities for the maintenance of the constitution. Neither the constitution, nor the securities by which it was maintained, were framed *à priori*: they were founded on the experience of the past. They were not called upon to inquire into the causes which led to the Reformation, or to examine minutely the frame of mind in which Henry 8th wrote a treatise one year "*adversus Martinum Lutherum*," and, in the next year, on account of his divorce from queen Catherine, became a violent opponent of the Catholic faith. The septennial bill was enacted in consequence of specific circumstances; but were they to return to triennial parliaments, because those circumstances had ceased? Under all the circumstances, he felt himself bound to resist the present motion; and he implored the advocates of the just rights and privileges of the constitution, to consider whether it was decent or wise in the House of Commons to originate this measure? All that could be lost by the rejection of the present proposal was, the postponement of the general question until the early part of next session, when it would be taken up upon a broad and high ground. They could then contend for the eligibility, not merely of peers to sit in the House of Lords, but of every person to all situations in the country. If peers were to be admitted, there was no justice in the exclusion of commoners. He could, therefore, see no good reason for pressing the present partial measure, as a delay of a few months would bring the question before them in its most ample and general form. There would be no disadvantages resulting from the rejection of this measure, and the House could not, in his opinion, sanction it consistently with their duty.

The Marquis of *Londonderry* agreed with many of his hon. friends in thinking that the present moment was not the most favourable for the introduction of the general measure. He would admit that the great tendency in the disposition of the country was, to view this subject with less of alarm, and with more favourable sentiments than on former occasions; but still he did not think it would be politic to press that disposition too much. But though this was his opinion as to the general measure, still he could understand

the policy of the present measure, and, under all the circumstances, he was disposed to support it. In the bill before the House, the grounds of discussion were very much narrowed; a variety of topics, connected with the general proposition, were necessarily omitted, as having no bearing on this part. In the general discussion, he had always rested the criterion by which the question, not of admission, but of eligibility to office of Roman Catholics, should be tried on this—Whether there was that reasonable fear of danger to the state which would render this eligibility impolitic? The present motion did not require so wide a discussion; and in the interval between this and the period of the great question, he thought it most proper; for there were many who would support the admission of Catholic Peers, who would not be disposed to go the length of admitting the eligibility of the Roman Catholic commoners. With respect to the question of securities, he did not see why the Catholics should not associate themselves to the state as well as other classes of his majesty's subjects; but he would modify those securities in such a manner, as that, while they afforded that guarantee which he was satisfied the Catholics were disposed to give, would prevent the measure from having the appearance of severity. "But then," said his right hon. friend (Mr. Peel) "you have given up the oath of supremacy by this bill." He apprehended, that if his right hon. friend would be satisfied with an oath of supremacy, the bill might be easily so modified as to insure his support. The Roman Catholic did not object to the oath, and the only difference which existed at all on the subject was, as to the sense in which the word "spiritual" was to be understood. On the ground of the acquisition of power by the Catholics, there was no real cause of fear. The utmost that could be expected from the general emancipation would be, the return to that House of perhaps eight or nine Catholic members, and the power which they had in this country was pretty well known. He viewed the leaving open this question as a matter not so much of danger as of embarrassment to the country; and with that view he should wish to see it set at rest. As to the particular question before the House, though his right hon. friend had argued it as a matter of just and of legal right, yet, however disposed he might be to concur in that view of the question, still, after a lapse of so long a time, he should not be disposed to support it if he saw the least appearance of danger. That danger, however, had not been made apparent to his mind, and therefore he would concur in the bill.

Mr. *Canning* began by observing, that if in the reply which he had made on the former night to his right hon. friend (Mr. Peel), he had dropped a word, or let slip an expression, which could be supposed to convey to his right hon. friend's mind, that he thought he had met the question unfairly, his right hon. friend had entirely mistaken his meaning; for he would declare, that whatever difference of opinion subsisted between them, it was impossible in his conception, either with reference to the question in its wider range, or to the narrow basis on which he had placed it, to have encountered a fairer adversary. If he had said, that his right hon. friend had not touched the justice or expediency of the case, he meant the justice and expediency of that part of it which he had introduced, and not the general question. He was glad that his noble friend's speech had intervened between that of his right hon. friend and his own; for, in his latter remarks, he had very ably developed the views and the policy to which the discussion of this question should be referred. To bring the merits of this partial motion more clearly to their attention, he would beg of honourable gentlemen to recollect what had been the progress of the discussions on the measure before parliament. To go no farther back, he would begin with the discussion which the House of Commons entertained in 1812. On that occasion, he had had the honour of submitting a resolution, the first successful one on that point which had engaged the attention of parliament. In that resolution the House pledged itself to consider the subject early in the ensuing session, with the view of bringing the question to a secure, conciliatory, and permanent adjustment. What was the fate of that measure? It was well known that it was one which did not meet the concurrence of the other House. In the next year, and in redemption of its pledge, the subject was introduced, and submitted for consideration in its most comprehensive sense. The bill had passed two of its stages, but it failed in the committee, owing to the introduction of a clause

which continued to shut the Roman Catholics out of parliament. In consequence of that clause, the measure was withdrawn, and in that measure he fully concurred at the time. But, looking back to the stage of the measure then, and to its progress since, he felt convinced that the decision of himself and the other friends of the measure on that occasion, was one not so much of reason as of temper; and though he took his full share of the blame of assenting, he had regretted it ever since. At that time the friends of the bill were offered all sorts of partial concessions, except the opening of parliament, by the hon. members who took a lead in opposing the measure. The friends of the bill improvidently refused, and they now found, with regret, that though nine years had elapsed, the question had not much advanced. Last year, however, a bill was introduced, supported by the stupendous talents of his right hon. friend, the attorney-general for Ireland, and was carried through the Commons—a measure comprehensive in the highest degree, and accompanied with conditions of such a nature as were thought to preclude all possible danger in the minds of those who feared any. What was the fate of that measure? It was rejected in the other House, and the friends of the measure were now called upon to adopt one which was more likely to be successful. But, what were the arguments of their opponents? They called upon them to adhere to the same course in which they had hitherto so repeatedly failed. That was natural enough on the part of those who were hostile to the ultimate success of the measure; but it was strange that it should have weight with any of its supporters.—The right hon. gentleman here adverted to the partial, though highly important concessions which had been made since 1813—the opening of the army and navy to the Roman Catholics—a measure, too, originating in the House of Lords; and it should not be forgotten, that the danger of opening the army and navy to Catholics was formerly urged as one of the strongest arguments against concession. Yet such was the effect of partial discussion, that this was carried, which would have been rejected if thrown into the general measure—He then contended, that the disabilities thus removed, almost without discussion, were far more important than those which he sought. The measure before the House was not complicated. Its bearings could be seen at a glance. It went not to innovate, but to restore rights which had existed before—to remove from the injured posterity the disabilities which were entailed on them by the injustice done towards their ancestors. This was not touching on the privileges of the peers, or if it did, it did so with tenderness and delicacy. It made the Commons do for them, what it was supposed they would not do for themselves—for it was not to be imagined that they would begin by admitting the Catholics of their own order, while they refused any such concession to Catholic commoners. The right hon. gentleman next dwelt upon the anomaly of supposing that the House of Lords, which had originated a bill rendering a Catholic peer eligible to rise to the highest rank in the army and navy, to command a large portion of the armed force of the country, to have access to the closet of his sovereign, would, notwithstanding he might possess such power, exclude him from a seat in that assembly, one of the objects of which was, to check, to control, and to keep down the pride and ambition of great and powerful subjects. It had been shown that the present measure was not innovation, but restoration—that it was granting back privileges which had been taken away unjustly, and that even the alleged causes had long since ceased to exist. But it was said, that though the same causes which produced those disabilities did not now exist, other causes might, which would be equally conclusive. He would admit this reasoning; but let the other causes be shown. At the Revolution, the act of the 30th of Charles 2nd, was continued, from causes of danger from abroad, and the discontent of a large party at home; but that cast no slur on the Revolution. Now, let his right hon. friend point out the existence of any one of the same dangers. "I do not," continued the right hon. gentleman, "call upon my right hon. friend to show the existence of a Popish successor; I do not require of him to produce a king taking the sacrament according to the Catholic mode one day, and the Protestant the next; I do not insist on his pointing out an exiled monarch in a foreign land, aided by foreign powers, planning the invasion of the country; but I think I have a right to call upon him to show me some little danger to justify

his opposition to this measure. I do not insist upon his searching history, but his own imagination, which is less likely to fail him, for some little scantling of danger; and if he will show me that as arising from my plan, I give him my word I will sit down and withdraw this bill." [Hear, hear.]—On the subject of securities, the right hon. gentleman said he would have no objection to them, but he would not traffic between security and concession. As he had already said, he would not make them matters of barter and sale. He was of opinion that there ought not to exist any correspondence with any foreign power, against the letter of an existing law. But it was not to be expected from him, that he should provide those securities, since the House of Lords had thrown them completely over, when they passed the Army and Navy bill. His right hon. friend might complain, that other securities were not annexed to this bill. He (Mr. C.) would say, that the contents of this bill did not require these securities. It had been asked, whether Great Britain was to be the country in which such securities were not to be required? He had no right to answer this question, but he would say that, in his opinion, it ought not. It was necessary that a proper control should be exercised; but he was not to be blamed because he had not provided for it in the measure under discussion. He would, however, in his turn, ask, whether the events which had taken place in Europe since 1812 had not placed this country in a different situation from that in which it stood before? Were we now to be more completely insulated in our policy than at any former period? Ought it not to be taken into consideration, that at the congress of Vienna an act was adopted, by which it was agreed, that in all the states over which the congress could exercise control, religious difference should create no distinction as to civil or political rights. He had been told that his bill was little and short, and effected its purpose with irrelevant dimensions. But here was the congress of Vienna altering the whole policy of Europe, over an extent of territory comprising from 45,000,000 to 50,000,000 of inhabitants. This great measure was accomplished by the single stroke of a pen. It should be recollected, that England was a party to the arrangements of the congress, and that Hanover was one of the states affected by them. Hanover might have Catholic ministers and Catholic senators, but not so England. It might be said, that the particular measure upon the subject of religion, adopted by the congress, was nugatory. He believed that this was not the case. He was assured by those whom he believed to possess accurate information on the subject, that, before the act of congress was agreed to, the system of exclusion on account of religious differences was exceedingly strict; and, as a proof of this, it was stated that not many years ago, a menial servant in the stables of the emperor of Austria was dismissed on account of his being a Protestant. At this moment he understood the president of one of the chambers of the kingdom of Hanover was a Catholic. When it appeared that a spirit of liberality was diffusing itself throughout the continent, was it necessary that England alone should retain her insulated policy with regard to religion? It was often said, that England was the only country in which the slave became free upon setting his foot upon the soil. Should it also be said, that it was the only country in which disqualifications prevailed founded on religious difference? We had long been accustomed to deal in negatives. Members of that House had long been in the practice of swearing at the table in a manner to make them believe that faith was, not what they believed, but what they disbelieved—to think privation a privilege, and to be proud of that which was called disgraceful. The grounds upon which he rested his measure were, that the dangers which existed, first from the date of the Reformation to the time of Charles 2nd, and, secondly, from the time of Charles 2nd to the Revolution, and which formed a justification for the statutes which had been framed against the Catholics, were now passed away. He was willing to grant to the fullest extent, that a great political necessity had a right to demand the sacrifice of individual privileges; but he coupled this admission with the condition, that the existence of political necessity ought to be incontrovertibly proved. Those persons who endeavoured to show that the act of Charles 2nd was passed in times like the present, had misrepresented, and not quoted, the opinions of their ancestors in support of their argument. He was of opinion that too much weight was attached to the conduct of our ancestors at the period of the Revolution. That

was not a time when it could be expected that a man, even of the clearest head—and most humane heart, would try experiments in legislation. Our ancestors, in the unsettled circumstances of the times, took the laws as they found them. Good God! how different was the situation of the country now, from that in which it stood at those periods to which the opponents of the Catholics were fond of referring for arguments against them! For about a hundred years after the Reformation, the Catholic and Protestant parties were combating on this soil; it might be said that a struggle was going on to see which should wed the state, and make her exclusively its own. But the time of combat was passed—the Catholics tendered a willing submission,

"——Vicisti, et victum tendere palmas
"Ausonii videre: tua est Lavinia conjux."

"You," said the Catholics, "have wedded the state: we no longer pretend to be rivals: we wish to be united with you in friendship; we are willing to live quietly under your reign; we call upon you to deal out an equal measure of justice and mercy towards us." [Cheers.] His right hon. friend had argued a question of peace in the spirit of conflict. The question of rivalry had been decided. The Protestant religion and the constitution were inseparably united; and all that he asked was, that the subdued party might be allowed to participate in the enjoyment of that happiness which was to be obtained by living under the constitution of this country, and participating in its privileges. The House ought to consider, that it was not the business of states to found their prosperity upon extraordinary virtues; they must calculate only on the ordinary average weight of good qualities which might be hoped to be found in all mankind. It was a great panegyrick upon those noble persons for whose relief the bill was intended, that under all their privations they had preserved their loyalty and attachment to the constitution unshaken; but it was impossible to suppose that they would always continue in the same temper of mind. By refusing to accede to the measure which he had introduced, the House would maintain a system of exclusion which, when it was necessary was harsh, but had now become inhuman. He called upon them to redeem themselves from the imputation of adapting their own conduct to that uncharitable and unfeeling principle which they ascribe to the Catholic community, and to concede a gift which, if given with grace, would be received with gratitude, and tend to cement in one bond of union the people of the Catholic creed with the professors of the Protestant religion. [Loud cheers.]

The question being put, "That the bill be now read a second time," the House divided: Ayes 235. Noes 223. Majority 12. The bill was then read a second time.

ILCHESTER GAOL.] Mr. Alderman Wood moved, "That an humble address be presented to his majesty, praying that he will order to be forthwith laid before this House the Magistrates' Journal and Keeper's occurence book, from 1808 to the present time." The motion was opposed by Mr. Dickinson, on the ground of its being an interference with private property; and supported by Mr. Bennet, sir. F. Burdett, and Mr. Denman. Mr. Secretary Peel stated, that he had given orders for a prosecution against Bridle, the late keeper of the prison, and that he had also directed eminent surveyors to examine and report upon the present site and state of the prison. He therefore hoped the alderman would withdraw his motion, as well as the general one for inquiry which stood for Wednesday next. Mr. Dawson and Mr. Estcourt spoke to the same effect; and Mr. Tynte vindicated the conduct of some of the magistrates, against whom he thought so general a charge ought not to be made, as he was convinced that many were not implicated in the transactions complained of. The motion was withdrawn.

HOUSE OF COMMONS.

Monday, May 13.

SALFORD HUNDRED COURT EXTENSION BILL.] On the order of the day for the third reading of this bill,

The *Attorney General*, upon general principles, objected to the bill. He thought it highly improper, that the lord who had the whole patronage of the court should be allowed to participate in the fees taken by the officers whom he appointed. If the fees were more than sufficient to meet the necessary expenses, their amount ought to be abated. He complained that a measure so important to the public should have been attempted

in the shape of a private bill, and moved, "that the bill be read a third time this day six months."

Lord *Althorp* said, that petitions in favour of the bill, had been presented from Manchester, Bolton, Bury, and Rochdale; and, that, in fact, the whole population of that immense district expected advantage from it. With respect to the fees, the question was, not as to their disposal, but whether they were such fees as ought to be taken. Upon the principle that the bill tended to give the people of Lancashire that invaluable blessing, a cheap administration of justice, he should vote in its favour.

Mr. *B. Wilbraham* could not help setting his face very strongly against the measure. He objected to it upon public grounds, and upon the ground of its being obnoxious to some parts of the county. The bill, if passed, would be followed by others of the same description; and there was one clause to which he particularly objected, as trenching upon the jurisdiction of the Insolvent Debtors' Court, providing, that persons found guilty of having improvidently contracted debts might be imprisoned, for a limited period, by order of the court. It was a strong measure to give such powers to a tribunal which had served only originally for the recovery of debts under 40*s*. The county preferred the jurisdiction of the Sheriff's court. He trusted, therefore, that the bill would at all events be postponed to next year.

Mr. *Brougham* said, that the object of the bill was, to enable persons to obtain legal redress upon reasonable terms—to enable a creditor to recover 50*s*. without the expense of 100*l*. The principle of the bill was a good one, and could not be carried too far. He would ask, what opposition was there to the bill? The attorneys of the district, of course, were against it, because it would lessen the cause list at every assizes. The loss of the measure could be owing only to one of two causes—the general indisposition of the House to all projects of reform, or the influence of the solicitors who were interested in its miscarriage.

General *Gascoyne* was convinced that the principle of the bill was good, and that if it was adopted with regard to Manchester, its advantages would soon be extended to other parts of the country.

Mr. *Scarlett* said, that the chief objection to the measure was, that it placed the administration of public justice too much in the hands of private individuals.

Mr. *Philips* said, that the whole hundred of Salford was in favour of the bill, and that the people of Manchester were particularly friendly to it.

Mr. *P. Moore* said, that only one individual had petitioned against the bill, and that was the under sheriff, who was apprehensive he should not receive as much in the nature of fees as he used to do.

Mr. *C. Wilson* said, that the primary object of the bill was to aggrandize an individual, (lord Sefton), and throw a considerable sum of money yearly into that nobleman's hands. The question in fact was, whether the House would sanction the transfer of from 4,000*l*. to 8,000*l*. a year from the sheriff's court to this newly created court of record? The funds intended for the maintenance and dignity of the shrievalty of the county. would thus be transferred to erect a new court of record. If the advantages of the bill were such as had been represented, it ought not to be confined to one hundred, but to be extended over the whole country.

The House divided: For the third reading, 70. Against it, 96. Majority against the third reading of the Bill, 26. The third reading was accordingly put off for six months.

Agricultural Distress.] The Marquis of Londonderry having moved the order of the day, for bringing up the Report of the Committee of the whole House on Agricultural Distress,

Colonel *Davies* rose, to submit the resolutions of which he had given notice. In thus offering himself to the attention of the House, he felt it necessary to guard against being misunderstood. It was not his intention to oppose the resolutions of the noble marquis; on the contrary, he meant to support them as far as they went, as he conceived them better than the existing law; but he should propose a set of resolutions, which the House might pass conjointly with those of the noble lord, or they would reject the one or the other, or both, as to them might seem fit. When this question was first introduced, he had determined not to offer a word upon it; but when he found that six different sets of resolutions, not drawn up with a view to immediate relief, but of providing against

remote contingencies, which he hoped they should never live to see, he felt himself bound to propose some measures calculated to give immediate relief. They had been told by great authorities in that House, that the present agricultural distress was not caused by taxation, but by the redundancy of supply; and the noble lord had contended, that from no practicable reduction of taxes could any effectual relief be derived. To say that, was in so many words to say, that the price of corn must remain permanently at 70*s*. per quarter. It was impossible, therefore, to grow corn at a much cheaper rate considering all the burthens which at present bore upon its production, than 70*s*., unless a reduction of taxes could be effected. The scheme which had been suggested by the noble lord was, in its nature, impracticable. It was pretty obvious that Ireland could raise her corn at a cheaper rate than England could. If, in what he had now to offer with respect to the different rate of taxation in regard to the two countries, any thing should appear to be dictated by a hostile feeling towards Ireland, he begged leave to disclaim all such intentions. But, while he wished to do justice to Ireland, he begged to claim, at the hands of the Irish members, justice for England. There were many taxes which entered into the course of production in England, which did not affect Ireland. It would be found that the gross produce of the Excise duties on salt, hides, soap, and candles, in Great Britain, amounted, in the year ending the 5th Jan. 1822, to 3,857,239*l*.; and the nett produce to 3,478,776*l*." Of this sum, about two-thirds were raised upon the agriculturists, and therefore it might be assumed that in England 2,500,000*l*. was the amount of taxes that entered into the cost of production. To this amount of taxes, bearing exclusively on the agricultural production of England, the House must add the additional burthen (as compared with Ireland) of the poor-rates; which, in March 1821, amounted to 7,500,000*l*., of which about 6,000,000*l*. were paid by the land-owners. But, if the diminished price of the necessaries of life, and the consequently decreased charge of supporting the poor, were considered, the burthen of poor-rates might be fairly computed at 5,000,000*l*. a year on the agriculture of this country. It was his present intention, however, to take into the calculation those taxes only which were paid to the Excise, and he thought he could suggest such a way of relieving the country from the burthen of those taxes as even the noble lord himself would not object to. The taxes of a similar nature which might be said to bear on the cost of agricultural production in Ireland were the leather-tax, producing 31,594*l*. and the Custom-house duties; being, for duties paid in Ireland, 93,000*l*., and in England, 160,000*l*. In the last year, about 600,000*l*. quarters of corn were imported from Ireland; and looking to these facts jointly, the House would easily apprehend what was the production of that country, and under what favourable circumstances it was realized. If it was possible that Ireland might hereafter become the granary of the empire, he thought it was at least proper, that the relative taxation of the two countries should be reduced to something like a proportion. For if the Irish land-owners, on account of the present bounty which their produce had in fact the benefit of, should be induced to break up their meadow land, and turn it into arable for the production of corn; and if that bounty, either on account of the depressed condition of our own agriculture or from any other cause, should hereafter cease, he left the House to judge whether such a state of things would not be a positive evil to Ireland. An hon. gentleman had observed on a preceding evening, that if any check were now given to the improving culture of that island, it would be productive of serious mischief to it. But the resolutions he had to propose could in no-wise operate as such a check, that the natural fertility of the island, and the present state of Irish growers, could be sensibly affected by it. His object in proposing, then, the repeal of Excise taxes, only as they regarded our agriculture, was, to repeal those which were of all others the most vexatious; while it was very possible, on the other hand, that the customs paid in this country operated as a protection against foreign importations. His resolutions would not attack the sinking fund. The noble lord, on a former evening, had told the House, that by the effect of his commutation plan, there would be left a disposable surplus of 2,800,000*l*.; but it was proposed to apply towards the reduction of taxation 1,800,000*l*. only; the remainder of it being reserved to be applied to any unforeseen contingent expenses. The noble lord had also said, that

the revenue of the country had increased in the last year, by more than 1,500,000*l.*; and he had understood, that the improvement during the last month had been in the same ratio. Now he should suggest, that it would be better to take from the surplus mentioned by the noble lord another 1,000,000*l.*; and from the increase on the revenue, also, 1,000,000*l.*, which, added to the proportion of the surplus said by the noble lord to be applicable to the reduction of taxes, namely, 1,800,000*l.*, would give a sum of 3,800,000*l.* applicable to the remission of those taxes which he proposed to have repealed. The only objection which could be urged against this plan, was, that the revenue might not go on increasing. But this was not the time at which the calculation of possible events was to be put in opposition to actual results: neither did it follow that as the taxes were heavy, so was the revenue large. Any one who looked into the history of taxation, would find, that so far from an increase of revenue being the necessary consequence of increased taxation, the consequence was rather decreased revenue. In 1808, the tax on foreign brandy, was 12*s.* 7½*d.* per gallon; and it produced a revenue of nearly 2,000,000*l.* a year. the importation being about 2,600,000 gallons. In 1810, an additional duty of 2*s.* 6*d.* a gallon was imposed. The consequence was, a very great diminution of the imports, and a consequent decrease of duty; so that the revenue on these articles fell to 1,529,000*l.* In 1812, the duty was run up to 19*s.* 1½*d.* per gallon; the quantity imported declined to 200,000 gallons, and the revenue to less than 200,000*l.* The more expedient course would be, to lower the duty, by which the productiveness of the revenue would be increased. In Ireland, the effects of the present system had been even more fatal. Since 1807, the increased taxation there had amounted to 3,737,000*l.*, yet the revenue was at this moment 700,000*l.* lower than in 1807. It was his intention to alter one of his resolutions, so as to propose the repeal of the whole of the duty on salt, candles, and hides, and a part of the duty on soap, and to reduce, by half, the tax on windows, the duty on leather, and the customs duty on salt in Ireland. Hence, he contended, that a direct and immediate relief would be afforded to the country of 3,600,000*l.*, without infringing upon the sinking fund, or encroaching upon a single establishment. Some of these taxes carried a self-destroying principle with them: the tax on wine had been trebled, and the wealth of the country since the great augmentation had trebled also: it ought, therefore, to produce four and a half millions; yet it did, in fact, produce only a little more than 1,500,000*l.* The tax on leather brought only about 500,000*l.* into the Exchequer; but the people suffered by it to the extent of 1,500,000*l.*, for each tradesman through whose hands the commodity passed, indemnified himself for the duty at the expense of the consumer. After all, the reductions he suggested were trifles compared with the vast ocean of taxation; and more than three times the amount of them would be insufficient to place the country in the situation in which he wished to see it. His proposition was only 1,400,000*l.* beyond the promised reduction of ministers. The hon. colonel concluded by moving the following resolutions:

1. "That any tax which, by being unequally distributed, acts as a bounty to one part of the kingdom and to the prejudice of another, is in its nature unjust, and ought to be discontinued.—2. That the gross produce of the excise duties on salt, hides, soap, and candles, in Great Britain, amounted, in the year ending 5th Jan. 1822, to the sum of 3,857,239*l.*; and the nett produce to 3,478,776*l.*—3. That there are no excise duties levied in Ireland, on soap, salt, or candles; and that the gross amount of the duty on leather, in the year ending 5th Jan. 1822, was 31,594*l.*—4. That the whole of the excise duty on salt, and three-fourths of the duties on soap, candles, and hides, in Great Britain, be forthwith repealed.—5. That the taxes on windows and leather, in Ireland, be forthwith repealed."

The *Speaker* suggested that it was impossible that the question could be put in the shape proposed. The resolutions of the hon. colonel could not be made part of the report of the committee.

Sir *J. Sebright* said, he was in favour of every practicable reduction, but he felt bound to vote against the resolutions for this simple reason, that they had nothing to do with the question before the House. He returned the noble marquis his thanks for what he had done. As far as he could judge, the resolutions of the noble marquis were an improvement upon the existing corn laws.

Colonel *Davies* expressed his readiness

to withdraw his resolutions for the present.

On the question, that the report of the committee be brought up,

Mr. *Western* said, he was firmly persuaded that the noble marquis's resolutions would, neither directly nor indirectly, contribute to the welfare of agriculture; but that they would even add to the load of distress which already burthened the farmer. The question mainly, if not altogether, depended upon the price of grain in the foreign market; and he contended that the noble marquis had made his calculations upon the evidence before the committee, which was given in British currency, and not according to the price of gold. If hon, gentlemen would refer to the testimony of Mr. Solly, they would find this to be the fact. Thus, the price of grain was made to appear higher abroad than it really was; and the noble marquis had, in consequence, felt warranted in proposing a duty proportionably lower. That important subject had by no means been sufficiently investigated, either by the committee of the present or of the last year; and the House was consequently legislating in the dark. At Hamburgh, wheat was now selling at from 26*s*. to 31*s*. per quarter; rye 13*s*. to 14*s*.: barley 8*s*. to 9*s*.; oats 5*s*. 9*d*. to 8*s*., it was not to be forgotten—also, that freights from Hamburgh to London were not dearer than from some parts of the coast of Essex. So great was the suffering at Hamburgh, that the Danish government had been obliged to take 700,000 quarters of wheat in payment for taxes, and that quantity would of course be converted into money at almost any sacrifice. The reduction of the import price from 80*s*. to 70*s*. had spread dismay in all quarters, both through Ireland and England. The resolutions of the noble marquis had doubled the despair of the agriculturists. They looked upon it, and justly, as a violation of a solemn pledge given by parliament—as a breach of public faith. The landed interest would have been much better satisfied to have remained under the former law, defective as it was, than under the proposed improvement. The hon. member sat down, after referring to the too hasty and peremptory contradiction he had received on a former night on the subject of prices from the hon. member for Portarlington.

Mr. *John Smith* said, it was his opinion that the distress of the agricultural body proceeded in a great measure from a superabundant harvest, and that the House could not apply a remedy. Various remedies had been proposed, but it appeared to him that the remedies, as they were called, would lead to nothing but ruin and degradation. He regretted that he had been prevented by illness from attending the discussion of a motion of an hon. gentleman (Mr. Wyvill). That motion went to embrace a great and general reduction of taxation; and the speech with which it was introduced suggested the propriety of taking off 20 millions of taxes, in order to relieve agriculture. Now, he did not think, if it were the intention to ruin agriculture, that there could be a better expedient proposed. The effect of taking off 20 millions or 15 millions of taxes would necessarily be a diminution of the expenses of the country. But how could the public expenses be diminished? No man would be so absurd as to say that the navy and the army could be prevented from receiving their pay. What then was to follow? He thought it would not be uncharitable to say, that the meaning of the hon. member was, to reduce the interest of the stockholder. What would be the effect of that measure? The first consequence would be, to reduce the dividend of the fundholder one half—an act of injustice in itself, and one which would excite great alarm, particularly amongst foreigners who had large sums in the English funds. If the dividends were to be reduced one-half, or at all, foreigners of course would hasten to sell out, and invest their money in their own country. But it was not foreigners alone that would do so. Englishmen would be ready to follow their example; indeed, at the present moment, there existed a strong disposition upon the part of Englishmen, to invest their property in foreign funds; and it was clear, that if the dividends were reduced by one-half, that disposition would greatly increase. The consequence would be, that exchange would fall in this country, as it did in France in 1792 and 1793. The consequence of that fall would be, a great and immediate demand for bullion, and if that demand continued to be made, the Bank would cease to pay in bullion in the course of one month. The greater part of the property of the Bank was in the hands of the government. But if the scheme was once adopted that the public creditor should be deprived of his dividend, the question would soon

arise whether the Bank had a better right to be paid than any other of the public creditors? In that state of things, it would be certain that the notes of the Bank would not, and ought not, to pass. The private banks would next close their doors. Independent of their connexion with the Bank of England, the private bankers were themselves fundholders; their property depended upon the state of public credit; and if that were interfered with, the town and country banks would not stand long. A scarcity of money would necessarily follow. If there was any principle more than another which that House had contended for, it was this—that a scarcity of money produced low prices. If prices were to fall still more, the land would do little more than support its paupers and the cultivator. He lamented that he could not attend in his place at the discussion of the motion, and he regretted that he did not see the hon. gentleman who proposed it in his place. He respected that hon. gentleman—he respected him the more highly, because he was the son of a man whose name was dear to the liberties of his country. He was aware that the hon. and learned member for Winchelsea, and his right hon. friend (Mr. Tierney) voted for the motion. For both of them he had the highest respect. They acted from conviction, no doubt; but still he regretted their vote, because that vote was likely to be remembered when the qualifications which they attached to it were forgotten. He knew it would be said, that he belonged to what was called the monied interest, and that he did not feel for the agriculturist. With respect to the monied interest, he was not aware of any act of cruelty or insensibility ever committed by them. He would be glad to repeal taxes as much as with safety could be repealed. He would wish to oppose the salt tax, because he looked upon it as injurious and oppressive. Various other taxes ought to be repealed, and for the repeal of every tax he would cheerfully vote, save that general sweep of repeal which would lead, not to retrenchment, but to infamy and ruin. It would take twenty years to settle the country after such an alteration in its system as must be produced by a remission of taxes to the amount of 20,000,000*l*. They might look at France as an example in point. And therefore, his objection to the motion of the hon. member for York was, that such a remission would not give immediate relief, but would produce immediate ruin. He did not say, that the country would not right itself at last; but then other sentiments rushed upon his mind, other feelings struggled in his breast, on which, perhaps, he had better be silent, for he feared that he could not do them justice. Was there no such thing as national honor? Was there no such thing as national faith? Was there no such thing as moral strength? [Hear.] Could they who had the good fortune to inhabit this happy island, contemplate with patience the abandonment of all moral principle? It had often occurred to him, when he reflected on his own country, that it had done more for mankind than all the rest of Europe. It had advanced the cause of science—it had advanced the cause of humanity; it had uniformly supported the cause of civil liberty; and, above all, that which was its highest honour and proudest recommendation, it had upheld the cause of religious toleration, which now extended its goodly branches over all Europe. It might be said, that though toleration reigned here, yet bigotry remained in various quarters. It might be so; but the principle of toleration was at work, and the day was not far distant, when its holy influence would be felt all over the world. Who would degrade such a country as this? For his own part, he contemplated national dishonour, national perfidy, and national robbery, with horror—with more than horror, if he had a word to express such a feeling; and he hoped that death would close his eyes for ever, before he witnessed the degradation of his country—he hoped he should be spared the misery of contemplating the infamy of his native land [Hear, hear.] The sentiments which were contained in various petitions, and which had been delivered in that House, implied a belief that an immense reduction of taxes would serve the agricultural interest. His view was, to show that this was a mistaken idea; and that, on the contrary, such a remission would ruin the agricultural interest, and reduce all society to one common mass of shapeless ruin. If it was true, that the non-payment of the dividends would have the disastrous effects which he had pointed out, he would ask the House and the country to mark the deep and commanding obligation by which they were bound to avert such evils. He could entertain no doubt, however, that

a considerable sum of money might yet be saved to the country without any material inconvenience to the government. Much might be saved in the colonies—in the expenses of the Cape of Good Hope, for instance; in the naval and military establishments; and in different other departments. If he were told that such reductions would weaken the influence of the Crown, he must deny the assertion. It was idle, in the present state of intellect in this country, to advance such an argument. Neither the Crown nor the government need fear any want of influence, if wise measures were adopted; and he would say, what he had before observed, and what he now repeated on mature reflection, that if the gentlemen opposite were true to their own interest, they would create more influence by adopting principles of rigid economy, than they could by any other means. He should trespass no farther on their time, but to observe, that the moment they violated public credit, that moment misery and discord would overwhelm the country, and the sun of England would be set for ever [Hear, hear.]

Mr. *D. Browne* expressed his conviction that the resolutions would neither benefit the agricultural interest, nor satisfy the country.

Sir *W. W. Wynn* deprecated any breach of faith with the public creditor. He approved of the resolutions, because they formed a medium between those which proposed a very low, and those which called for a very high protection. He could, however, have wished, that the protecting duty had been higher.

Lord *Althorp* said, he would not answer the argument which his hon. friend (Mr. J. Smith) had adduced to shew that a national bankruptcy would be mischievous, but he thought it highly unfair that it should be insinuated, that all persons who voted for a reduction of taxes contemplated a national bankruptcy. He had not voted for the resolution of the hon. member for York, not because he disapproved of it (on the contrary he should support it whenever it might be again brought forward), but because it tended to interrupt an adjourned debate.

Mr. *Chaloner* said, his hon. friend and colleague did not state 20,000,000*l.* to be the measure of taxation which he proposed to be reduced, but that it was the amount short of which he conceived no very material relief could be afforded to the country.

Mr. *Philips* said, he had not heard the whole of the speech of the hon. member for York, when he made his motion. He did, however, hear something said about 20,000,000*l.* as an abatement of taxation, which was cheered, and immediately after the motion for a reduction of taxes was proposed. He could not, in consequence, abstain from stating his disapproval of such an abatement of taxation, which must either have the effect of cheating the public creditor or of depreciating the currency; but, when he found that the motion only pledged the House to a reduction of taxation, without stating any specific amount, he voted for it. The hon. member for Essex had again made a reference to the calculations of Mr. Solly, which had already been perfectly explained by the hon. member for Portarlington. The hon. member for Essex objected to the period when those calculations were made; but he should have recollected, that those calculations came down to 1820-1, when the metallic currency had been restored; and what calculation could he wish to have except one founded on that currency? To take the present price of grain on the continent was a deviation from the ordinary course of things. On referring to the evidence contained in the report of last year, it would be found, that the average price of wheat at Dantzic, for 30 years ending 1819, was 53*s.* The hon. member for Corfe-castle was of opinion, that averages should be taken on shorter periods. He (Mr. P.) had done so; and he found that the average price of Dantzic wheat on board for 5 years from 1796 to 1800, was 53*s.* 8*d.*, and for 5 years from 1816 to 1820, the average price of Dantzic wheat on board was 67*s.* 7*d.* So that even the averages of these short periods showed, that unless they had monstrous high duties on importation, foreign wheat must find its way to this country. He was unfriendly to any system which created a fluctuation of price, and he believed there were no persons to whom steady prices were of so much importance as the landed interest. When the agriculturist possessed high prices and high rents, his habits and arrangements were formed on that high scale; and when low prices and low rents occurred, then came distress, and misery, and applications to that House. He thought it unwise to adopt a system of

high import duties. He believed it to be absolutely impossible to keep up high prices; but he was sure that much mischief would be done by legislating on the subject. Great complaints had been made by the landed interest in that House, that they had not attended sufficiently to their own advantage. They complained of the corn law which occasioned great fluctuations. It certainly was the worst measure which could possibly be adopted; but it was their own measure, and they had no right to come forward and say that they had neglected their own interest while they took care of those of the manufacturer and the merchant. Those who imagined that the present distress arose from the resumption of cash payments, suffered under a great delusion. When France resumed cash payments had that measure the effect which was attributed to the resumption of cash payments in England? In France the metallic currency had been driven out by the assignats, and the resumption of a metallic currency had had a greater effect than in this country, because the quantity of currency was there less than in England, from the limited nature of her commerce. Yet in France the resumption had produced no effect on prices. It had been alleged, that importations of corn from Ireland had increased the distress of this country: but Ireland had in return received our manufactures, and thus both countries had been benefited. If corn were not allowed to be imported from Ireland, and prices should be raised to double their amount in other countries, could they be maintained in that state? Manufactured goods would rise, and commerce would be obstructed; for our manufacturers could not compete with the manufacturers of other countries. The poor-rates would increase; wages would get lower; and what would then become of agriculture? The situation of the country at present was far superior to what it would be if agricultural produce were raised high while they were low in other countries.—He wished to take that opportunity of correcting some mistakes which prevailed respecting the state of the manufacturing interests. The fact was, that the manufacturing interests were only recovering from a depression, similar to that under which agriculture now suffered. The manufacturers had been every day seeing their capital diminished. They had now a prospect of recovering; but it was not to be denied that their profits were extremely low. By low wages only—which again could only be borne out by extremely low prices—could the manufacturers go on. He wished also to advert to another mistake. It had been attempted to calculate the prosperity of manufacturers by their annual exports. This was not at all a test by which to judge of their situation. The manufacturer himself often did not know the result of his own trade during the year. His exports were made, not in consequence of foreign orders, but according to his own judgment and at his own risk. He sent agents abroad; if he had the good fortune to send goods to a market where the supply was deficient, his agent often wrote in return—"I have made an advantageous sale, but I do not know what the proceeds may be; if I take bills, the course of exchange will destroy all the profits; and if I take the manufactures of this country, they are so high that you will lose by them." Thus, perhaps, the manufacturer lost money, after his hopes had been raised of making considerable gain. If, then, the manufacturer, whose whole study was to adapt the supply to the demand, and who was not dependent upon the seasons, often lost, notwithstanding all his experience and sagacity, was there not a much greater probability that grain could not be adapted to the demand so accurately as to protect the agriculturist from loss at all times? They might shut out importations of grain, but they would only on that account be more exposed to the evils of fluctuation. He wished to get rid of the system of averages, and therefore the only set of resolutions he could approve of, were those of his hon. friend, the member for Portarlington. Far from agreeing with his hon. and learned friend (Mr. Brougham), and the noble member for Northampton, that the effect of indirect taxation was greater on agriculture than on manufacture, he thought that if they traced the progress of a manufacture from the raw material, they would find it more burthened with taxes than an agricultural product. He concluded by hoping that his hon. friend (Mr. Ricardo) would bring forward his resolutions year after year; convinced that time would prove the correctness of his positions. The more his hon. friend was known, the more he would be respected; and the more universally recognized, by all who had sense or candour, as one of the most

original and wisest writers, and one of the soundest thinkers on the subject of political economy.

Mr. *Sykes* contended, that the proposition for the reduction of taxation was so obviously a remedy, and the only remedy for the great distress which was now felt, that he was surprised that there could be any difference of opinion upon the subject. No proposition could be more clear to his mind. His hon. friend (Mr. J. Smith) had been conjuring up a chimera, and then destroying his own creation. No one in that House had said, that national credit was not to be maintained. The reduction of taxation was the best ground on which national faith could be fixed. He had not voted on any one of the resolutions brought forward, because he had not been able to bring his mind to agree with any one of them. It was, in his opinion, the change in the currency which had caused the distress. He agreed in the main with the hon. member for Callington, (Mr. Attwood.) If they succeeded in raising corn to a high price it would be by oppressing other classes; and they would throw a burthen on the manufacturing interests which they could not bear.

Mr. *Ricardo*, in explanation of the allusion which had been made to his statement of the average prices of foreign corn, by the hon. member for Essex, begged the House would bear in mind, that there were two authorities on that subject that were quoted from, who differed much in their items. The calculations of Mr. Solly were made in conformance with the variations of our paper currency, and were, therefore, always higher than those of Mr. Grade, who made his calculations upon a fixed exchange. He had built his argument on the latter, and it would be found that whilst he was quoting from one paper, the hon. gentlemen was quoting from another, and thus the misunderstanding arose. He therefore hoped he should be acquitted of any intention to mislead.

Mr. *Attwood* said, he rose in consequence of what had fallen from the hon. member for Wootton Basset on the subject of the prices of foreign grain, and from other hon. members on the same subject, in the course of the debate. The present measure rested for its details, altogether on the information they possessed respecting those prices. They took the price of grain in foreign markets, according to what they believed it to be. They added the cost of transmission here, and to this they added their duty; in order to form the amount of protection, they were willing, and proposed to, give to British agriculture. All this rested, therefore, on the accuracy of the information they possessed, respecting prices in foreign markets: and on that head, there was no information whatever before the House, on which it could safely act; none that was not defective or fallacious; and they were proceeding to regulate the most important interests of the empire, the interests of that vast body of petitioners before them, upon information which no man would be satisfied to act upon in the conduct of his own affairs. The noble marquis who had proposed the protecting prices now under consideration, had stated, that with respect to the prices of grain in the Baltic ports, they were not to take the prices of the present time, which were low; but that they were to ground their calculations, on what had been the average prices of the last 20 or 25 years. Undoubtedly they must take an average price, and not the price of any particular time or year; but then, so far from its being the average of the last 20 or 25 years which they ought to found their calculations upon, it was an average out of which that 20 or 25 years ought to be entirely struck. That was a period when the high prices of this country, by whatever cause occasioned; whether by the alterations in their currency as he contended; or by bad land, and bad corn laws, as the hon. member for Portarlington would contend—from whatever cause those prices had arisen, they had, during their existence, during the last 20 or 25 years, materially deranged the prices of all those foreign markets, with which this country was connected, and from whence it had drawn supplies. The price of the Baltic ports was, in fact, no other than the price of Mark-lane, whenever importation was free. The price of Mark-lane was known to the Baltic merchant; and he knew also, the cost of transmission, and that his grain was worth the Mark-lane price, deducting that cost. But were they to consider, that because a high price had existed in the Baltic, occasioned by a high price here; that the Baltic prices were to continue high when their own had fallen? That because they had paid high prices for the Baltic grain for the last 20 or 25 years; that therefore at a

low price this grain would not be delivered here?. It would be just as reasonable to take the average price at which for the last 20 or 25 years the corn of Yorkshire had been sold in the London market; and conclude that if for the next 20 or 25 years the London prices should fall below that average, no corn would arrive from Yorkshire in that market. He submitted that one conclusion would be just as reasonable as the other. In the tables which had been laid before the House, for its information respecting foreign prices; even the difference in the exchanges had been lost sight of, as giving a different estimate for corn when marked in money of a low, from that which would be given, when marked in money of a high value. No allowance had been made for the essential difference, which a corrected estimate of the exchange would have made in those tables. That important distinction had been entirely overlooked; and he confessed that when that error had been recently explained to the House, by his hon. friend the member for Essex, he had witnessed with some surprise, the confident contradiction which the hon. member for Portarlington had given to his hon. friend's statement; because he then believed he recollected, what he had since found on reference to be the case, that the hon. member himself had, in a very detailed statement of foreign prices which he had delivered to the committee of 1821, fallen into that very error which when the member for Essex pointed it out, he did not believe could have existed. And the consequence of that erroneous method of computation was, a difference no less than this, that when the House referred to the hon. member's table; for a price marked of 21*s.* 6*d.* they ought to read 14*s.* and for a price of 26*s.*,—16*s.*; and a difference of a similar kind ran through the whole table. The present prices in the Baltic, he believed, were 33*s.* at Dantzic, and 25*s.* at St. Petersburgh; the freight to London was, perhaps, double, or little more than double, of that from Yorkshire; and at prices somewhat similar to those, he had little doubt, but, in common years, all the surplus corn the Baltic could produce, would be sent to this country if they would receive it, and the English markets should admit of no higher price being given.

There was one great corn country also, France, that had been nearly as much overlooked on this subject, as though it had no existence—although it was most probable, if not altogether certain, that whenever importation should again take place; from France their main supplies of grain would arrive. Many districts of that country, produced in all ordinary years, a great disposeable surplus. Corn was grown very cheaply there, with few taxes; that country was close to their own shores; the carriage of corn from thence to Mark-lane, would be little more than the carriage from Essex; and the only information the House had before it, as to the price of grain in France, was to be collected from the evidence of Mr. Jacob, who had incidentally mentioned, that in one particular market the price of which he had noted: he found wheat at about 3*s.* a bushel. Did not this circumstance indicate a necessity for further and for accurate information respecting prices in France; when they were determining what duty would, or would not be, a protection here against corn of a foreign growth? The prices of France, it was important also for them to look to, in another view. The steadiness which he believed it would be found, that those prices had maintained, was calculated very strongly to elucidate the causes of those extraordinary fluctuations which had taken place at the same time in this country, and had been attended with consequences so important. There was no objection to taking the average of the last 20 or 25 years, for the prices of France: those prices had not been affected during that time, either by any derangement in their own currency, or of the markets of this country. They had preserved, therefore, a steady uniformity, the present prices were those of a century and a half back. They were those, also, of the late war: Mr. Malthus had found that the price there, in 1814, was 36*s.* 8*d.* a quarter; and, that that was then considered as a high price. In some districts, riots had then taken place on that account, and corn did not appear, on an average, to have been higher during the ten preceding years: the period when corn attained its highest prices here. The present prices of France, were not materially lower than those thus cited in 1814. The price given by Mr. Jacob, it would be found, was not to be taken as the average of the kingdom, it was the price of a particular town; and corn, from a variety of causes, varied in price in different districts in France, much more than in this country. The state of the corn laws in

France confirmed this information respecting its price. In November last, the free importation of grain into France, was restrained for the first time since the war. It was, as the king of France told the Chambers, in consequence of the effects of an abundant harvest. That is, the manner in which he described the agricultural distress, which they were told existed in France. The average price for the whole of France at that time, as appeared by accounts published by the French government, was equal to 34s. 2d. a quarter, of English money. By a law which had been passed in 1814, the exportation of wheat was prohibited when the price rose to about 48s. These two prices might, therefore, perhaps, be taken, as the extremes of prices in France, for the average of the kingdom: with a price of 48s., it was to be concluded, that the landowners were desirous of no farther rise; at 34s. the consumers were satisfied; they desired no lower price. The law made in 1814, prohibiting exportation when the price exceeded 48s., corresponded with a similar law made fifty years before, in 1764; which fixed the same price of 48s., as the price when exportation should cease; and this exhibited strong evidence, that the average prices of those two periods had not been materially different from one another; and the tables exhibited the same results. From an examination of those prices, then, it was manifest, that those statements which had been made in parliament, of a condition of agricultural distress, existing in France, similar to that experienced here, were without foundation in fact. Such information ought not to have been given to parliament; nor such statements hazarded, on so important a subject, at random, and without due inquiry. They misled the country as to its own condition, and its causes. Slight, partial, and temporary fluctuations in prices, were all that had been experienced in France—varying from year to year with the state of crops. There had been no such fall of prices there, as had taken place here, and could not have been, for there had been no such previous rise.

When the agricultural committee now sitting, was appointed, it was stated by the noble marquis who moved it, that one object of the labours of the committee, would be, to 'investigate this important subject of foreign prices; to obtain accurate information upon it; and upon the condition of foreign agriculture. It was to be regretted, that that suggestion had not been acted upon: the committee could not have been more importantly employed;' nor could the House have been put in possession of information more necessary; whether for the purpose of guiding them in regulating their own corn laws, or of assisting their inquiries into the cause and origin of the condition of agriculture in this country. The committee of 1821 had performed this duty most inefficiently. They had examined, on this head, a few merchants respecting the prices of a few sea-port towns; connected with their own markets, influenced by those markets, deranged by them; and on that evidence had not hesitated to report to the House, that as great a fall in agricultural produce had taken place throughout the continent generally, as in this country. Statements of that kind on insufficient evidence, conveying erroneous information, were most mischievous. They misled the government, the House, and the country, upon the most important subject on which they could be occupied; the causes which had occasioned their own difficulties. For if those difficulties were common to this country with the world at large; then it was to be believed that they had their origin in some general cause, over which this country had no particular control;—but if, on the contrary, the distress experienced here was peculiar to this country; if it was not generally felt, its cause was then to be looked for in their own internal measures. Nothing could have been obtained more readily, than correct information on this important subject: their foreign ministers and consuls could have transmitted to the committee, with great facility, tables, shewing the prices, and fluctuations which had taken place in grain of late years, in the different countries where they resided; and the present condition of agriculture there. Such information was extremely necessary, the want of it involved them in much error and inconsistency. The noble marquis himself, in discussing the question of the distress of their own agriculture, at the commencement of the present session, had stated, that great as that distress was, it was exceeded, by the difficulties experienced, at the same time, by the cultivators of the soil in all other countries; and he had confirmed that information by a letter which he read to the House from

one of their foreign ministers, who described, that in that particular country, where he was stationed, or in a district of it; in Silesia, so great was the destructive superabundance of agricultural produce, that the crops of corn were left to perish in the fields. But it then appeared that this document did insufficiently support the most important statement the noble marquis had been led to make upon it; for he had not stated that government had received similar information from other ministers in other countries, or from their foreign ministers generally; and the probable conclusion, therefore, was, that no such statement had been received; no such distress elsewhere observed; and that the letter from Silesia, described merely a local distress, occasioned by some peculiar circumstance, and that consequently no general opinion could be justly formed from it. And indeed on a subsequent occasion, when the noble marquis had occasion to read the letter of another minister or consul, in which agricultural prices were incidentally mentioned, it then appeared that in one part of the world at least, there was no superabundance of corn, or agricultural distress; for it was on the ground of the high price of agricultural produce in that country—the high price of the quartern loaf, for which the consul said, he had to pay no less than two shillings and eleven pence—that he demanded, and apparently with very good reason, an increase to his fees or salary. Now he must confess, it had appeared to him, that this high price of agricultural produce thus evinced; for it was nearly double what had been the highest price in this country; that this high price had appeared to him quite as extraordinary and important as the harvests perishing on the ground in Silesia; and he had been induced to make some inquiry into its circumstances; and as he could not but esteem that in the present condition of the country, every thing tending to explain the causes of the high or low prices of agricultural produce, in whatever country, was of importance; he would repeat the information given him to the House. It was in the Brazils that this high price of corn was noticed. The Portuguese court had established in 1808, its royal residence, as he need not repeat, in the Brazils. They found existing there, an establishment which issued paper-money, called the Brazil Bank, which became decorated with a new title, and became the Royal Bank of the Brazils. With this establishment the Court found it convenient to become very largely in debt; and that that operation would be greatly facilitated if the court should impose an injunction on the bankers, to refuse payment of their notes to those who held them if presented for payment; and these notes thus issued, and being incapable of returning to the issuers, of course circulated about, wherever they could find customers, and wherever property was to be purchased. This state of things had not been long established, before a great rise in the monied price of all property followed; the quartern loaf advanced, as their consul had observed—the exchange fell—the mill-rea, which had before exchanged for 96 British pence, would exchange only for 45.—Gold advanced; it rose greatly above the mint price. All agricultural produce greatly rose;—there was, in short, in all things one general advance. Now, he submitted this state of things to the consideration of the political economists; of those whose attention had been directed to the causes of the rise first, and then of the fall in agricultural produce here;—if he permitted him, to the hon. member for Portarlington;—and if that hon. member should ask if there existed any corn laws in that country?—if there was any bad land—or changing that ground, on the suggestion of the hon. member for Bridgenorth—if there was any good land?—That, he confessed he could not answer—his information did not extend to it.—But he would confidently submit a farther problem—that if that government should become so wise and politic as to see no other evil in all this but that of a high price of gold, and a low course of exchange—if they should become seized with the ambition of preserving public faith by one general confiscation and robbery—of atoning for fraud committed on one body of men by committing still greater fraud on another—if amidst the dangers, with which they were surrounded, they should fix their attention on nothing but the restoration of an old metal standard—and in pursuit of that wretched object should proceed to repay their debt to the Bank, to return the notes borrowed, to take away the injunction upon it—if they took that step without a full inquiry and a knowledge of its importance—if it were not accompanied with measures of important precaution and arrangement—

with provisions for adjusting public and private engagements to the alteration they were engaged in—or if, failing to adopt measures of such complicated precaution and extensive foresight; they did not alter the value of the metal money in which the Bank paper was to be paid; if they did not make the mill-reas and little joes which were the coin of that country somewhat less than they are—then would there be seen in that country an excessive supply of all commodities in all markets—an overproduction of all the productions of the earth—no adequate market, no adequate demand—the farmers there, if they had leases would be, to a man, ruined — the landlords if there were taxes and debts would be in a situation little better, and one general scene of derangement, confusion and ruin, would ensue [Hear, hear!]. These would be the certain consequences. There were others that might be more doubtful. He should not be surprised under such circumstances, to see the people, in ignorance as to the cause of such calamities, mistake the accidental error of their new government, for its essential character—if that weak government were, under such circumstances, shaken from the shoulders of that rising people, as an intolerable burthen—unless, indeed, there existed there a body of country gentlemen so patient as to permit their burthens and engagements to be thus increased—their tenantry to be ruined that it was their duty to protect—their own fortunes to be sacrificed; their station in society subverted, and the prospects of their families destroyed, by a miserable operation such as this [Hear, hear!]. But a body like that indeed—as it supported, under all circumstances, in one country the measures of an administration, might save a government in another. But, however this might be, he (Mr. Attwood) hoped that this consul of theirs who had so readily discovered a ground for the increase of his fees and emoluments, would be equally prompt—whenever this alteration again took place—to propose himself—a reduction of those emoluments to the old scale; and that he would not dream of making a miserable juggle like this the ground of a permanent encroachment on the resources of this generous and credulous, but distressed and abused country [Hear, hear!].

But, to return to the present corn law before them. There was one part of that bill—that which went to permit that foreign wheat at present bonded, should be admitted to home consumption when the average price rose to 70*s.*—on the payment of a duty—instead of being, as at present, admitted at 80*s.* with no duty,—for which he had heard no one reason given, and was altogether at a loss to know on what grounds it could be justified. It could not, by any perversion, be said to be other than an injury to the British farmer; that alteration at least was to him a measure of unbalanced evil. It was not to the advantage of the proprietor of the corn; it exposed him to a duty, and took away the only prospect of even speculative advantage which his situation gave him. What, then, was the object of this? It was an injury to the farmer. It was no benefit to the importer. But it might give a little duty to the Exchequer. The agricultural community appeared before them in expectation of relief under unexampled distress. The House could afford them none—but it could not be content to dismiss even those petitioners without an attempt, though they could not relieve them, to levy a miserable duty on their misfortunes, and to scramble a little money into the Exchequer—by whatever means—whatever interest was to suffer from it—that Exchequer which they were told was so full and abundant in the midst of the poverty that surrounded it—which the right hon. secretary opposite had told them, with his characteristic candour, so greatly flourished in spite of his bill; or in consequence of it, for he did not collect which—a prosperous Exchequer, and a ruined country—an Exchequer flourishing amidst the ruin of those from whose resources it was drawn—that was a state of things which the right hon. secretary might look on with satisfaction, though he did not. He could look with satisfaction on no revenue which was not commensurate with the resources of the people, nor could he see any thing which in his mind was more ominous than a taxation increasing with the public distress [Hear, hear!].

It was necessary also for the House to take into its view, before they adopted these new rates for the importation of corn, all those considerations that arose out of the uncertain condition in which their currency at present stood. If the old standard now attempted to be established should be again abandoned; as no man could venture to affirm with confidence its permanence; then in the rise of prices that would follow its abandonment, the

rates now proposed would be altogether inapplicable, and would afford no protection against foreign corn. On the other hand if that disastrous attempt should be persisted in; if it should prove capable of being finally carried into effect, and the old standard be again established as the measure of value and price—then was this country on the eve, or in the midst of a great internal change; operating on all its important interests, agricultural, commercial, and above all, perhaps, political. In circumstances like those he deprecated all measures of needless, officious, half-informed and partial legislation. The present standard would not be finally established; the changes now in process would hardly be complete, without the entire destruction of that vast and important body by whose capital their soil was cultivated; of a great portion of those to whom as property it belongs. Under circumstances like these, he again repeated, that he deprecated all needless, officious, partial legislation. As far as the importation of foreign corn could affect them, the agricultural community was at present secure from that danger; they were safe from that danger beneath the shelter of the present corn laws. There he conjured the House, that it would permit them to remain. If they could not relieve their distress, let them avoid aggravating their calamities; nor forfeit, if it were possible, their confidence; nor above all provoke their resentment; nor urge the violence of a storm, which they would find it much easier to excite, than to control or allay. They had been told that this change in the value of their currency was now completed, that the measure was at an end; its operation finished. Would you derange again, it was asked, a system now established, a change now complete? Complete was it said? It was at that moment in the midst of its operation. There was not a day, nor an hour, in which that most iniquitous measure was not now working wrong, and injustice, and fraud, and disguised robbery in every part of the empire to its furthest extent, and in its remotest districts. [Hear, hear!]. Could the House forget the statements which were nightly made to it, the petitions presented? Let them consider the statement made to them two nights since by the hon. member for Sussex, of the condition of that district in which were two whole parishes, in process of utter, and necessary, and inevitable abandonment of labourer, and occupier, and landlord; necessarily and entirely to be abandoned in consequence of a contract for tithes—of a contract made as the hon. member expressed it, in the reign of the paper money—a contract made in money of one species, to be executed in money of another. Each acre as it became abandoned increasing the burthen on the others, and the whole at this moment in course of rapid desertion. Those parishes were but a picture of the country at large. The manner—the degree—was different—the operation was similar. Let them consider what representation the hon. member for Essex had made to them, with an earnestness befitting its importance, of two-thirds of the whole tenantry of that great county in a condition of insolvency—that is, in a condition of beggary—not possessed of a shilling; all their capital confiscated; the produce of lives of labour, the provision for children, for age, every thing that renders property valuable. confiscated; not capable of discharging their debts, if present prices continued. What condition of a country was this? In which the peaceful cultivators of the soil, were thus given over to one common destruction; in a mass, and to a man—and by measures of that government, which exists for their protection, and advantage, and security. And were they to be told that those measures were not to be disturbed, that they were sacred, that they were complete? They were but in part began. He would tell them of one great operation, necessarily connected with those measures, necessarily arising out of them, demanded in necessity and justice: by those measures which had not even commenced. That was, the reduction of salaries; that was, the reduction of pensions; that was, the reduction of every description of pay, and pension, and salary of all the servants of the Crown, in all the departments of the state [Hear, hear!]. What? those that had urged forward these measures—the authors—were they to profit by them? Were they to make them a means of profit and advantage to themselves? That would be to clothe these measures with all that odious and reproachful character, with which alterations in the monied standard have been on other occasions stigmatized. These measures were adopted, they were told, to support public faith, and the national character. Was it in this way that public faith was to be supported and the national

character upheld? Was not a rise effected in the value of money to whatever extent, an advance exactly equal to it on all the salaries and pensions held under the Crown? Indirect, indeed, concealed, but not the less effectual in its profit to the holders, or in its burthens to the country. It was an advance obscurely effected, its nature and operation was only slowly seen or understood by those even, perhaps, who profited by it; but it must of necessity become at length evident; it must be at length acknowledged: and whenever that acknowledgment was made on the bench opposite; whenever that advance was admitted—to whatever extent admitted—it must be of necessity, at the same moment, proposed by his majesty's government themselves; to reduce at once pensions and salaries to the extent they would be thus acknowledged to have been raised. If they should fail to accompany that acknowledgment, whenever made, with that proposition for reductions — then whilst they had been calling on the House, and the country to submit to sacrifices in support of public faith and the national character, they would themselves have affixed disgrace on both—they will have imprinted on the character of the country—by measures adopted on the plea of upholding it —as vile a reproach as any that the pages of its history present. On these grounds, therefore, he should give his vote against the further progress of the bill before them. — The hon. gentleman sat down amidst loud cries of Hear, hear!

The Marquis of *Londonderry* said, he would not follow the hon. member through a great part of the arguments which he had used, many of which did not apply immediately to the question. But he must protest against the endeavour of the hon. gentleman to suspend the operations of the legislature, and to adjourn the business of the country, until he could bring about a change in the standard of the currency. Whether the hon. member fixed upon corn, gold, or any other settled unit as the sign of value, it was difficult to form an idea of his standard by which all contracts were to be adjusted. The declamation which he had mixed up with his political economy, respecting the increase of salaries by the change in the currency, was unwarranted by the state of the fact. When he called upon ministers to reduce their incomes on account of the restoration of cash payments, he only imitated the hon. gentlemen who cheered him on the side of the House on which he sat, who excited passion when they could not produce conviction. They knew that the emoluments of offices and pensions had been reduced by the depreciation; and that, so far from being increased by the late act, they had only been restored to their former amount. They knew that the Irish pension list had been reduced one-half, and the Scotch very considerably. He would again protest against the suspension of all public business, and the delay in bringing up this report, until the hon. gentleman had settled the standard of currency, and reduced to his own scale the salaries of public officers. The noble marquis, after some further preliminary observations, entered on the question of the corn laws, and discussed the objections made to the resolutions by the hon. member for Essex, whose knowledge, intelligence, and sound judgment, as applied to the interests of the agricultural body, he highly praised. He denied that in passing the resolutions fixing an import duty they were legislating in the dark. The committee had had before it the prices of corn in most parts of the continent transmitted by our consuls. These prices varied from place to place and time to time; but they afforded the means of deciding what amount of duties would yield protection to the British grower. The mistake of those who opposed the resolutions before the House, on the ground of their including an insufficient amount of duty, was, that they took the continental prices at the present state of the market, when there was no demand, and when, of course, prices were ruinously low. Adding, then, the duty and the freight to these prices, they found that importation could take place at so low a rate as to enable foreign corn to obtain an advantage over that of our own growth in the British market. But this was not the way of viewing the matter. The continental prices of former times were to be considered, and then 17*s.* of duty, and 10*s.* for freight, insurance, and profit, added to the original cost of the article, would raise the price of foreign grain sufficiently to afford protection to the British farmer. It was a mistake to suppose that the House was now called upon to legislate finally on this subject. Parliament could never preclude itself from revising its own arrangements on a question of this kind. The proposed

duty might be found too high in more settled times. It was, however, a great improvement on the existing law, as it would prevent the great inconveniences to be apprehended from the opening of the ports at 80s. At the same time, the change was breaking no faith with the farmer, as the legislature had never promised him 80s. for his wheat. When the import price of 80s. was fixed, it was said by the friends of the measure, that corn would seldom reach that amount, but that the abundance, which would be the consequence of a secure home market, would reduce prices much below it, while its enemies contended, that its object was, to increase the price. It would be recollected, that the ports were not to open till the price reached 80s., and the 70s. then fixed upon was equivalent from the change in the currency to the former 80s. The hon. member for Essex had given notice of a motion for making an important alteration in the currency. What the hon. member's standard was, or what he meant to substitute for the existing currency, he did not pretend to conjecture; but he could not omit that opportunity of adverting to the manner in which the hon. member for Midhurst (Mr. J. Smith) had expressed himself with regard to the public credit. Such a speech from such an authority could not fail to produce a deep impression in that House; and he was satisfied, that nothing but a painful sense of public duty could have induced that hon. member to read such a moral as well as political lecture to his friends around him, for supporting a motion fraught with such alarm as that for abolishing 20,000,000*l.* of taxes, and thereby breaking faith with the public creditor, and endangering the institutions of the country. He would ever contend, that the mode in which that motion had been brought forward and supported, had struck a severe blow at public credit; but, severe as it had been, the effects of it had been counteracted to a considerable degree, by the valuable speech of the hon. member for Midhurst that evening.

Mr. *Hume* said, that the words of his hon. friend's motion were, that relief was only to be expected from "a large remission of taxation." Now, in that resolution he fully concurred, as did every man in the country, except perhaps the noble marquis. In 1817, the taxation of the country amounted to 60,000,000*l.*; in 1818, to 61,000,000*l.*; in 1819, to 60,500,000*l.*; in 1820, it amounted to 61,634,000*l.*; and in 1821 it reached 62,463,000*l.* Now, how was it possible for agricultural produce to obtain a remunerative price in the market, if the farmer was to be called on every year to pay such an increased proportion of taxes? With these facts before them, would the landed interest allow themselves to be robbed any longer? The resolutions of his hon. friend the member for Portarlington, were those to which he thought the House must hereafter come; but those of the noble marquis he was of opinion would improve on the present law, and so far they had his support.

Mr. Secretary *Peel* was surprised, that the hon. member for Callington (Mr. Attwood) should have entered on the present evening into a discussion on the state of the currency, when he knew that the hon. member for Essex had given notice of a motion which would bring that subject fairly before the consideration of the House. As the hon. member had made several pointed allusions to him (Mr. Peel), he could not allow the present opportunity to pass without making some observations upon them. And here he must be permitted to express his surprise at the applause with which a part of the hon. member's speech had been received by gentlemen on the other side. When he heard the bill which he had had the honour of introducing in 1819, called an iniquitous measure, and found that appellation of it cheered by many gentlemen who had at that time supported it—when he recollected that the concluding resolution of Mr. Horner in 1811 contained the principle on which that individual stated that the currency ought to be conducted, and that that principle was, that within two years the Bank should return to cash payments—when he remembered that strong fact, and contrasted it with the cheers which had burst from hon. members when the act of 1819 was stigmatized as an iniquitous bill, he could not sufficiently express the surprise which he felt, or prevail upon himself to submit to such an epithet in silence. He would here take the liberty of asking, whether the principle on which that bill was founded did not receive the support of the other side in 1816? The House must recollect well that it did receive the approbation of hon. gentlemen opposite; and that circumstance made their cheers of this evening more extraordinary than they otherwise

would have been. If there was any man whose conduct he was more surprised at than another, it was the hon. member for Coventry. That hon. member had moved resolutions to amend those which he had proposed to the House. His (Mr. P's.) resolution was a resolution to compel the Bank to pay in specie in May, 1823. The resolution proposed by the hon. member for Coventry was a resolution that the Bank should pay in cash in May, 1822. The hon. member might perhaps say, that he had also moved some previous resolutions. He admitted that this was true. The hon. member had certainly made some proposition relative to the re-payment of certain issues to the Bank. But the hon. member said, that on leaving the House upon that occasion, he had whispered into the ear of the hon. member for Salisbury, that no return was to be made to cash payments, whilst the price of gold was *5l.* 10*s.* What the hon. member whispered into the ear of the hon. member for Salisbury, he could not tell: he knew, however, what was the resolution the hon. member had recorded, and against his alleged whisper he would place in opposition his recorded resolution.—He would now return to the hon. member for Callington, who had endeavoured to overwhelm him with his sarcasm. But as he was to share that sarcasm with his hon. friend, the member for Portarlington (if he might be permitted, on account of the respect which he felt for that hon. gentleman's great talents and high character, to use a term which he certainly had no right to use from long intimacy with him), he would only observe, that he was willing to share it, so long as he shared it in such company. The hon. member for Callington had repeated certain observations of his upon the fulness of the Exchequer, and had made his own comments upon them. This made it necessary for him to repeat what he actually had said. He had said that if the currency had indeed been raised 40 per cent, it was most extraordinary and at the same time most consolatory, to discover that the taxes had increased in amount, and that there was one of two alternatives proved by it—either that the resources of the country were most flourishing, or that the depreciation had not been so great as was generally stated. But, if he had spoken of seeing with satisfaction the result which he had mentioned was it to be understood that he saw with satisfaction so much money raised from the people? No such thing. What he meant to say was, that he had had great satisfaction in seeing that sum raised without any recourse being had to processes of law to extract it from those who were unwilling to pay it. His reason for making the observation was, to use it in refutation of a witness who had been examined before the agricultural committee, and who had stated, that the consumption of all the necessaries of life, had, for some time past, been greatly decreasing. The following was the evidence of that witness:—"You have stated that in the necessaries of life you conceive the consumption to have diminished one third in Birmingham; do you think that that diminution of consumption is at all general? A general diminution of the necessaries of life, I believe, exists throughout the whole kingdom, except in the markets of London.—"Do you consider salt as a necessary of life? Certainly.—Soap? Certainly.—Malt? Yes.—Candles? Yes. —Sugar? I do not; but the poor people do.—Tea? Yes." The name of this witness was Thomas Attwood, esq. [Hear.] And, if he had spoken with satisfaction of the increase of the revenue, it was because he had wanted to show that no decrease had taken place in the consumption of the necessaries of life. The hon. member for Callington had then stated, that if he (Mr. P.) would examine the records of his office, he would find that the prevailing distress had given birth to disturbances in various parts of the manufacturing districts. Now, if the hon. member was speaking of the present, he must beg leave to say, that he found no disturbances at present existing among them. The hon. member might, perhaps, allude to the riots in Staffordshire and Monmouthshire—the only counties in which the laws had been violated.

Mr. *Attwood* said, he alluded to Staffordshire.

Mr. *Peel* contended, that the disturbances in that county did not arise out of any distress.* As a proof of it, he would state one fact:—The master manufacturers had offered their labourers 3*s.* a day, besides two pints of beer each, and fuel for their family.

Mr. *Attwood* said, there was not employment for those labourers. The wages were probably as stated; but the men had not employment for more than four days in the week.*

Mr. *Peel* said, he would leave it to his

hon. friend, the member for Staffordshire, who at his request had left his parliamentary duties to visit, in his magisterial capacity, the county which he represented, to speak more fully upon that particular point. He would now refer, not to the present, but to a past period, to illustrate his argument. The period to which he should allude was a period under which that beautiful order of things, a paper standard, flourished most largely. Why, the very words "paper standard" was a contradiction in terms. Yet, under that beautiful order of things, what was the state of the manufacturing population? In 1816 and 1817 we had all the blessings of the paper standard; but in those years we had the Habeas Corpus act suspended, and several other precautions taken for the preservation of the public tranquillity. Disaffection to the government and the constitution was not at that time attributed to the bulk of the people, but, as was stated in a report from a committee of that House, to causes existing among the lower classes, one of which was, privation in consequence of the lowness of wages and the increased price of the necessaries of life. "But," said the hon. member for Callington, "there had at that time been a great revulsion of prices." To be sure there had: that was one of the evils arising from the paper standard. "Oh yes," said the hon. member for Callington, "but you ought to recollect that a paper currency gives you wealth and capital." Of course it did; but only till a day of payment came. In 1816 what was it but an over-issue of paper which led to great speculation, and a reaction of it created much bankruptcy and distress, that reduced the country to its pitiable situation? That system might go on well if it were always to continue. But, though a man might be happy when he got drunk, or when he imbibed oxygen gas, still he must expect to endure some misery before he returned to a state of sobriety, or before he was again able to inhale the atmospheric air. To go on well under a paper system, it must always continue—just as a drunken man, to be always happy, ought to be always drunk. The right hon. secretary then proceeded to state, that he must again refer to the evidence of the witness whom he had quoted. That witness was asked, "Has there been no circumstance in the last two years but supply and demand to determine the price of any of the necessaries of life?" To which he replied, "Certainly; nothing can determine the price of articles but the relative state of supply and demand." That was an admission which the hon. member seemed to have forgotten that evening. [Here some gentleman interrupted Mr. Peel, for the purpose of informing him, that the member for Callington was Mr. Matthias Attwood, and not Mr. Thomas Attwood.] He had thought that it was the opinion of the hon. member for Callington, that he had been quoting: sure he was, that he had seen the same or similar doctrines from the hon. member in print; and he had referred to them to show what he conceived to be a great inconsistency in the argument of the hon. gentleman that evening. With regard to what had fallen from the hon. member for Callington, as to making corn the standard of value, from the year 1700 to 1783, there had been little or no change in the price of gold, whilst, on the contrary, there had been the greatest fluctuations in the price of corn. In 1815, when wheat was 64*s.* per quarter, gold was 5*l.* 6*s.* per ounce, and accordingly paper was much depreciated. In 1817, when wheat was 94*s.* per quarter, gold was of much lower value. Indeed, of all articles corn was that which it was most unfit to fix as a standard, since it was liable to great fluctuations in consequence of the smallest increase or decrease of the natural quantity in market.

Mr. *Attwood* said, in explanation, that he did not recognize any opinions that had been expressed by him, amongst those which the right hon. secretary had so preposterously ascribed to him. He would request the right hon. gentleman to take his opinions from himself, and neither to form, nor collect systems for him, nor imagine that he was to be responsible for them, when collected from whatever sources. With respect to the long extract of evidence which had been read, he was at a loss to know what conclusion the right hon. gentleman meant to draw from it; but as he seemed to think he had established by it, some inconsistency in him (Mr. Attwood), he begged to inform him, that he had never even read, and did not know of the existence of such evidence, till the right hon. gentleman was pleased to read it to him; and all he had then to say upon it was, that the answers seemed to him at least as correct as the questions.

Mr. *Ellice*, in answer to the observations of the right hon. gentleman, maintained he had always been a strenuous and consistent opponent of the paper system, but, unlike the right hon. gentleman, he had never ceased to warn the House of the ruinous and unjust consequences of the measure of 1819. The right hon. gentleman had taunted him with cheering his hon. friend (the member for Callington), for whose luminous and able statements he was, in common with the rest of the House, so much indebted, when he had called the bill of the right hon. gentleman a fraud on all creditors. He was not aware, that the observation of his hon. friend was applied exclusively to that bill, but he had no hesitation in expressing his entire concurrence in the opinion, applied, as he understood it, to the various measures adopted since the first conclusion of the war in 1814. These had been equally fraudulent on the part of government towards creditors, as the bill of 1797 had been before to all debtors. The right hon. gentleman recalled to the recollection of the House his (Mr. E's) support of the bill of 1819, and stated he rather outran the proposers of that measure, than fell short of their endeavours to restore the standard. The right hon. gentleman might also have been candid enough, to admit the principles, on which he then advocated the necessity of fixing some standard. He would not say he had been able sufficiently to explain those principles, for it was the first time he had ever addressed a public assembly, but he appealed to those who attended the discussions in 1819, whether he did not qualify his support of the bill, preferring it as the only alternative to a further perseverance in the existing system, which was then before them. The country had been too long subject to the experiments of the chancellor of the exchequer and the Bank directors, who had complete control over its circulating medium, without the most remote acquaintance with any of the common principles on which a paper currency could safely be regulated. We had had first, on the cessation of the war in 1815, a sudden contraction, and then in 1817 an immense over-issue of paper, apparently without the least reflection, and certainly without any knowledge of the necessary results of such opposite and contradictory proceedings. On the report of the committee, he entirely concurred in their recommendation that a definite standard should be settled, to prevent the recurrence of such a state of things, and to put down, he trusted for ever, the unlimited power possessed by the Bank; but he also protested against misleading the country with respect to the necessary consequences of the proposed alteration. He denied then, as he denied now, that the price of gold, banished as it had long been, in this country as a circulating medium of exchange, could be any index of the true extent of the depreciation of our currency; or rather that the difference between the accidental price at any particular period and the former mint price, could at all measure the effect of the depreciation on general prices of commodities and contracts. Upon this view of the subject, he proposed to obviate their acknowledgment of the rule laid down by the committee, rather at once to resume the old standard, than adopt the graduated scale which neither for the time it was intended to continue it, nor in its difference from the former, could afford any adequate relief to the difficulties he apprehended. He foresaw in the disposition of the Bank at the time, as the practical working of the plan must be left to them, that before the bill could pass, their paper might be even more valuable than gold at the old standard —this actually happened. The House would recollect he had added a rider to permit the Bank to pay in coin as soon as the price of gold was actually 3*l*. 17*s*. 10*d*., from an apprehension that this might occur. The Lords rejected his amendment, and the consequence had been, the necessity of passing a bill last year, to meet precisely the case he predicted. But did it follow, because such had been the line he pursued, that he must necessarily be included among those who concurred in the measures recommended by the committee, as well as in their general principles? It was in the extent of the application of those principles under the particular circumstances of the country that he entirely differed from them, and his difference was to such an extent that he could not prevail upon any person to second an amendment substituting 5*l*. 10*s*. for 3*l*. 17*s*. 6*d*. His noble friend the member for Sarum (lord Folkestone) would have sanctioned a resolution for fixing the standard at 4*l*. 10*s*. But considering that, even, ineffectual and inadequate to meet the effect of the previous depreciation, he declined proposing it. He subsequently, in a future

session, from the same feeling, although he had previously brought before the House a detailed statement of the severe effects of the alteration of the currency on the mercantile interest, which was confirmed by his hon. friend, the member for Bramber (Mr. Irving), voted against the proposition of his hon. friend the member for Taunton, for establishing the double standard of gold and silver, at the depreciated scale of our silver currency. That would have been a relief equal to fixing the standard of gold at 4*l.* 5*s.* or 6*s.* but still in his opinion insufficient, and nothing could be so impolitic or inexpedient as tampering in this way, from year to year, with the currency. Indeed, he should say now, that to whatever extreme measure our difficulties, when more fully ascertained by experience, might lead us, nothing should induce us again to alter the standard fixed by the bill of 1819. But he did not expect to hear from the right hon. gentleman (Mr. Peel), the charge he had made against him of inconsistency in his opinions on this subject. Those who had done him the honour to listen to any thing he had said, since he first came into the House, must know what his invariable impressions had been respecting it; but if he could justly be charged with inconsistency, the accusation came with a bad grace from the right hon. gentleman and his friends, who had voted both for the resolutions of the chancellor of the exchequer in 1811, and for the measures of 1819. Every hour's experience confirmed his apprehensions of the ultimate result. The country, it was true, was altogether as rich, or possibly more so than at any former period, and it was of little consequence whether our general capital and profits were double the nominal amount in Bank notes of 1814 or 1818, or half that amount in the reformed standard of 1819. The difficulty was, in the disarrangement of all the respective claims of debtor and creditor on that capital, and in the enormously oppressive operation of taxes imposed in one currency, and levied in another, on means reduced in an inverse proportion. He had watched attentively the progressive operation of the last of these measures, the bill of the right hon. gentleman, and which was only a part of the system. He had seen the merchant who had engagements either absolutely ruined, or still struggling to put off the evil day, in the hope of some advance in the value of his means of payment, arising from changes for the better, which could never arrive. They had before them the just complaints of the cruel distress of the agriculturist, who was called upon for the same taxes and charges from his produce reduced one half in price. In short, they were daily witnessing the progressive destruction of all the productive interests of the country, striving against burthens and engagements, which with all their exertions, they might be unable to meet. The creditors and unproductive classes, on the other hand whose means were derived from the profits of the industrious and active population, were taking an undue proportion of their earnings. According to the progressive distress of the latter, the wealth and influence of the former increased, and it appeared to him a silent revolution was steadily advancing, under which all that was valuable or useful in the community, must be gradually but ultimately sacrificed to an insatiable monied interest. Indeed he could not blame the latter; their good fortune appeared forced upon them by government and that House, and he conscientiously believed they had sufficient experience of the extremes to which the country had alternately been exposed, to be rather apprehensive of a long continuance of the present state of things, and desirous of some fair and equitable settlement to all parties. It appeared however in the opinion of his majesty's ministers that matters were not yet sufficiently ripe for a consideration of this subject, and it was useless until the majority of that House had a little farther experience of the present system, to press further for a revisal of it. The resolutions before the House were a melancholy proof of the delusion which still existed, and of the weakness of those who expected from such measures any, he would say, the smallest relief from sufferings produced by obvious causes, which they persisted in denying. He certainly would continue as far as the expression of his opinion went, his decided opposition to them all, although he really did believe, beyond the adoption of a most unjust and unwise principle, a course which unfortunately that House was often in the habit of pursuing, any measure to be founded upon them under present appearances would be equally unproductive of mischief or benefit to the community. The discussion had served a useful purpose to ministers, in distracting and dividing the attention of the landed

gentlemen from the real cause of their embarrassment, but he even did them the justice to believe, they would be as strenuous advocates for the repeal of the proposed bill, as they were now for its adoption, if unfortunately by its enactments coming into operation, the price of provisions should be increased to the consumer, to double their cost to the industrious classes in other countries.

Mr. *T. Wilson* observed, that when the measure of 1819 began to operate, the depreciation of our paper currency, did not exceed five or six per cent. There was no ground, therefore, for the assertion of his hon. friend (Mr. Attwood), on this point. Neither could he agree with his hon. friend, that they had not now sufficient information to enable them to legislate on this subject. He had no doubt that the measure before them would prove beneficial.

Mr. *Littleton* confirmed the truth of the right hon. secretary's statement, that the disorders in Staffordshire did not originate in distress. It was actually true that the miners had refused an offer of 3s. a day, besides beer and fuel.

Mr. *Brougham* asked, upon what principle he was required to exculpate himself, on account of the vote he had given in favour of the motion of his hon. friend the member for York? He must protest against a practice, which would have the effect of cramping members in the votes which it was their duty to give on public questions; and must also declare, not only that he made use of no argument in favour of a remission of taxes to the amount of 20,000,000*l.*, but that he had heard of none such on the occasion alluded to. It might happen that beneficial measures were supported by doubtful arguments; and, independently of the reasoning urged in its defence, or of the quarter whence it proceeded, he would vote for a resolution which had, in his opinion, a salutary tendency. Of this readiness he could not furnish a more decisive instance, than by voting, as he should do, for the resolutions of the noble marquis that night, although he had a well-grounded distrust of the principles on which the noble lord administered the government of this country.

The question being put, "That the report be now brought up," the House divided: Ayes, 153; Noes, 22. The report was then brought up and read. On the motion that the said Resolutions be read a second time,

Mr. *Huskisson* rose, for the purpose of submitting his resolutions, not with any view of opposing them to those of his noble friend, but he wished to have them recorded on the Journals. He thought the House had, in approving the resolutions before them, attended too much to one inconvenience—that of the danger of too great an influx of foreign grain from the warehouses; while they overlooked another—that of the want of a steady remunerating price to the farmer. It was his opinion that the safest mode would be, a free trade in corn, with a fair protecting duty. Without this, the farmer would in time of dearth be inundated with foreign corn without an adequate protection. The time, he was convinced, would come, when we should have such a trade, by which the British grower would be protected in a degree equivalent to the disadvantages under which he laboured. The right hon. gentleman then moved his resolutions by way of amendment. [*See p.* 209.]

The Marquis of *Londonderry* said, that in giving the negative to the resolutions of his right hon. friend, he would not deny the general principle which they involved; but he thought that principle applied to a different state of things. He was anxious to see the general basis of the corn laws well settled before he consented to such a measure.

The amendment was then put, and negatived. Mr. Ricardo then submitted his resolutions for the sake of having them recorded on the Journals. [*See p.* 201.]

Mr. *Maxwell* said:—The duty on foreign wool recently imposed has been followed by the most prosperous trade ever known in woollen manufacture, and the monopoly of the corn-market has been followed by universal demand for British manufacture; yet we are told, that protecting duties are a positive detriment to the country, and a poll tax upon the community. High prices here, and low prices on the continent, would lead the farmer into the most disastrous situation, we are told—and yet we have never had complaints from the wool grower on this ground. If we raise the price of provisions, we are assured of the flight of commerce—and yet we are told that a monopoly regulation is inoperative in effecting a rise of prices. Have the junto at Henderson's hotel—has Mr. Webb *Hall*—ever advanced positions more unreasonable or less demonstrable than these? Can any

one doubt them to originate with the merchant and the monied interest? Let us lay aside the intrigues of corn jobbers and of corn growers, and consider, as consumers desirous of keeping faith with the public creditor, how we can most honestly obtain cheap bread. Let us examine the price of labour in Britain and on the continent, and give the farmer indemnity for employing workmen at such prices as may keep the industrious family from privations incompatible with comfort or contentment. This is the first duty we have to perform; and it is one which will be as salutary to the state and consonant to justice, as prohibitory laws are at variance with equity, and opposed to commercial prosperity. The price of grain depends upon the currency—its value, upon the wealth of the community. What right a corn jobber and a Pole have to profit, arising from evasion of the burthens imposed on industry in Britain, I cannot discover, any more than I can comprehend why the farmer should have a boon not accorded to the manufacturer. Let ministers subject the seller of Polish grain to those burthens with which he overwhelms the British seller, and cease to punish the latter for being his countryman. The bounty of Providence is said to be a calamity. Nativity in Britain will be considered a misfortune, if a free trade and a debt of 200 million ounces of gold are co-existent. Protecting duties must be kept in force, where taxation falls upon the necessaries of life in a degree unknown in any other country. But struggling emigration, expensive revenue establishments, and corrupt influence, will accompany their enforcement, and the public and the state be at variance. A good minister would remove the taxes from the necessaries of life, and place them upon property: a wise parliament would sanction a change calculated to give industry a stimulus. Mercenary defence of the state, spies, incendiaries, pauperism, and all the vice and crime, cause or effect of such nuisances, would be diminished, low prices of food would be a universal good, and machinery a blessing instead of a curse to the working classes. Let the consumer weigh in his own mind the consequences of the present system: let him estimate the moral good that would arise from a juster system of finance, and unite with the farmer in making that property, secured by the war, amenable to the consequences involved in its security. Let the land-owner avow that it was his own acres that he mortgaged. Let him act in unison with his avowal, and take the burthen from the industry of the country to its wealth, before the people leave him lord of a depopulated domain, and chief of a beggared populace. I shall oppose no measure of relief to the farmer, except prohibition or schemes to raise the price; protecting duties and reduction of taxes must be resorted to, until the labourer of Britain can live as cheaply as the Frenchman or the Belgian; and any scheme which shall give to the Exchequer what the corn importer defrauds it of, must be a public gain, and will not alter the price of food I am persuaded.

Mr. Ricardo's resolutions were negatived; after which those of the marquis of Londonderry [*See p.* 190.] were agreed to.

Post Master General in Ireland.] Mr. *S. Rice* asked the noble marquis, whether it was the intention of government to adopt any resolution with respect to the second post-master of Ireland?

The Marquis of *Londonderry* said, that when government advised the Crown to take measures with respect to the second post-master of England, they advised the same measure with respect to the post-master of Ireland.

Mr. *Hume* wished to know whether a similar arrangement was to take place with respect to the post-office in Scotland.

The Marquis of *Londonderry* said, that the post-master there had other duties to perform, besides those of the post-office; and, besides, his salary did not exceed 800*l.* a year.

Mr. *Hume* thought 800*l.* a year too much for doing nothing.

HOUSE OF COMMONS.

Tuesday, May 14.

Ale-houses Licensing Bill.] Mr. *Bennet*, in rising to move for leave to bring in a bill "to alter and amend the present mode of licensing ale-houses," observed, that under the present system an individual who solicited a license was obliged to give in a certificate of character. It might naturally be supposed that this certificate would be derived from the place where he had last resided. No such

thing; it was required to come from the place to which he was going. He would alter this practice, and provide that the certificate should be signed by some individuals living in the parish in which the publican had last resided, and state particularly what business he had formerly pursued. The next point was that of recognizances. Under the present law, a publican was required to enter into recognizances for his proper behaviour; but this was merely a matter of form, no real securities being ever given. His bill would provide that substantial securities should be given. It was an evil of the existing system that it presented no intermediate degrees of punishment for the improper conduct of publicans, between absolute ruin by the deprivation of licenses and the infliction of slight fines. He proposed to remedy this by giving magistrates the power to proportion the fines to the offences; and, in an instance of very gross misconduct, to send the case before a jury. If the jury should return a verdict against the offender, the magistrates would then estreat his recognizances, shut up his house, and declare him incapable of again opening a public-house. It would be required that a magistrate who abrogated or refused to grant a license should state his reasons for his conduct. To the disgrace of the magistracy, the majority of the public-houses throughout the country were in the hands of brewers, who drenched the people with their bad beer, or compelled them to take to spirits as a substitute. The only remedy for the evil was, to increase the facility of obtaining licenses for public-houses; and for that purpose he would enable every man holding a house of 20*l.* a year to demand the right (upon entering into fit securities) of opening a public-house; leaving power to the magistrates, on the next licensing day, to shut up the house if they saw reason to do so. He concluded by moving for leave to bring in his bill.

Mr. *Calvert* thought something ought to be done to prevent the practice of serving beer in short measures.

Sir *I. Coffin* maintained, that the poor man was cheated by the publican in the way of bad measure.

Mr. *R. Colborne* suggested the propriety of permitting the sale of table beer of a quality stronger than that which was allowed to be sold by the present law.

Mr. *Grenfell* thought the thanks of the country were due to his hon. friend, for having brought the subject under the consideration of the House.

Leave was given to bring in the bill.

IONIAN ISLANDS.] Mr. *Hume* rose to submit his motion respecting the present state of the Ionian Islands. He commenced by stating, that the task which he had undertaken was not one pleasing to himself, nor, moreover, was it of a description which any man would be disposed to undertake who was anxious for his own ease; but he considered the welfare of 200,000 inhabitants of the Ionian islands, and the connexion which the maintenance of the English character had with their condition, as superior to all personal inducements, and as calling upon him to undertake the task, however painful it might be in any particular point of view. He was, therefore, perfectly prepared to discharge his public duty, entertaining as he did the strongest opinions upon the highly improper manner in which the government of the Ionian islands had been conducted since it was placed under the king of Great Britain, as protector. This was not the first but the third time he had called the attention of parliament to the subject: and he regretted that his endeavours to ameliorate the condition of the Ionians had had so little effect. He did so last year at considerable length; and, in now again submitting the miserable situation of those islands to the attention of the House, he should be happy to compress his statements within as narrow a compass as possible, consistent with the importance of the case, and the rendering all its circumstances as intelligible as was necessary to enable the House fully to comprehend the whole bearings of the question. In discharging this duty, he begged to disclaim being actuated by any personal feelings against the character of sir Thomas Maitland, whom he had principally to arraign in the narrative of these transactions. With that individual or his family he had never had any personal connexion or difference, and could not, therefore, be influenced by private motives of any description. He felt a deep interest in the condition of these islanders, because he had spent a considerable time amongst them, and had had much intercourse with them at that period. He could not, from his knowledge of their past and present situation, look at their condition now, without deploring it in the highest degree.

When he had the pleasure of residing in the Ionian islands, Corfu was still held by France; and the remainder of the islands were occupied by British troops. He had then gone from island to island, and enjoyed the gratifying pleasure of hearing the English name and character, and every thing connected with them, praised and revered by the people: the connection with England was to them the harbinger of peace and happiness, and her protection was felt by them to be an assurance of the early enjoyment of British rights and liberty.

Before he alluded to the formal manner in which England had, by the treaty of Paris, become the protectress of the Ionian islands, he should, for the information of those hon. members who might not have heard him last year, say a few words respecting their previous condition and government. The Ionian islands formerly belonged to the republic of Venice: but when that state became subject to the dominion of France in 1797, they followed the fate of the republic. The French remained in occupation of them until the year 1800, when the Turks and Russians drove them out, and they then came under the protection of the latter, who established what was called the septinsular republic, and under that form of government, they remained until the treaty of Tilsit, when by a secret article they were conveyed back again to the French, who resumed their government and retained it until the year 1810, at which time they were all, except Corfu, (which had a strong garrison) re-captured by the British. He was then in these islands, and present at the time of the capture of Santa Maura. England then occupied Zante, Cephalonia, Ithaca, and the rest, except Corfu; and so they remained until the fall of Buonaparte, when the whole of the islands were placed under the protection of the king of England, by the treaty of Paris, signed at the congress in that capital on the 5th of Nov. 1815. They were by that treaty "declared to be free and independent states," and placed as such under the immediate guarantee and protection of the British government. One article of that treaty states, that they are consigned to the "immediate and exclusive protection of the king of Great Britain." And another article specifies, that a convention shall settle all matters therein (meaning the islands), and that they shall support and pay the British garrisons (which are still to occupy them) in time of peace, not exceeding 3000 men, with all their expenses. By the same article, Corfu was to remain under the then existing form of government, until by a convention of the several islands a local government should be organized there to supply its place. On the 17th May, 1817, a constitutional charter for the united states of these islands was prepared by sir T. Maitland, the lord high commissioner from Great Britain, with an appearance of concert with, but in reality without any sanction of, the inhabitants; and, on the 11th of July following it was confirmed by the king of Great Britain.

In submitting his present motion to parliament, he (Mr. Hume) was actuated by a two-fold object: 1st, as related to Great Britain, on the score of expense; and 2dly, as related to the happiness of the people of these islands, and to the character of the nation in her capacity of protectress to the Ionian islands. He could refer to various speeches of the noble marquis (Londonderry) opposite, declaratory of the interest which Great Britain took at the congress respecting these islands, and what advantages the islanders were to enjoy in consequence of her protection: that the islands were to maintain the British garrisons out of their own revenues, and to enjoy the advantages of a free constitution: and that England was not to be put to any expense, as protector of the independence of the Ionian government.—These were the expectations which were held out by the noble marquis in that House, and by the noble lord at the head of the colonial department (earl Bathurst) in the House of Lords. The people naturally expected the enjoyment of peace, happiness, and tranquillity, under a representative form of government and under the protection of the king of Great Britain. From the whole tenour of the speeches of the noble lords, and obvious interpretation of the articles in the treaty, these people were to form their own constitution, and England was not to be saddled with any part of the expense of garrisoning the islands in time of peace. There was also an express stipulation which provided, that when the British garrisons should exceed the number of 3,000 troops (contemplating a state of war, and some political emergency) then the local revenue were not to be chargeable for more than the maintenance of the said 3,000 men. The words of the con-

vention, which were probably framed by the noble marquis himself, were very precise, and to this effect — "That his Britannic majesty consented that a particular convention with the Ionian States shall settle all matters relating to the garrisons both as to number and expense:" of course the meaning of the contemplated arrangement must have been, that the settlement should take place with those constitutional authorities, in conformity with the stipulation, that all expenses were to be defrayed by the revenues of the islands: therefore clearly implying, that there was to exist a civil and independent government, separate and distinct from the military authorities. It should be stated, that in the year 1816 sir T. Maitland was appointed to the office of lord high commissioner of the Ionian islands, and succeeded general Campbell in the command; he remained a few months on the spot, and returned to England, as was supposed, to arrange with the British government at home the free constitution which it was pretended had been suggested by the islanders. Sir T. Maitland returned to the Ionian states in Nov. of the same year (1816), and the form of their constitution was settled in the spring of the following year (the 2nd of May, 1817). By the 12th article, 2nd section, and 7th chapter, of that charter, it was settled—that all expenses of quartering the regular troops of his Britannic majesty, and, generally speaking, all their garrison expenses, so far as providing for the above-mentioned 3,000 men, should be paid out of the treasury of the Ionian states. Now, he would ask, had that been done? Had not the people of England sufficient burthens to bear—did not their condition call loudly for relief — without being saddled with the large additional expense of maintaining these establishments in the Ionian islands? [Hear]. The main point for which he contended was this—that the Ionian government ought to pay, as the treaty stipulated, the expense of the British garrisons out of their revenues; instead of which, contrary to the express letter of the treaty, and the repeated declaration of the ministers, England was annually put to a very large expense for garrisoning these islands. He found it extremely difficult to get correct returns of the expenditure for the past year; several had been called for by him this session, but, hitherto, none had been laid before the House, and he was obliged to go back to a former return; and one in particular dated on the 25th Feb. 1820, which purported to contain an abstract of the expenditure incurred by Great Britain in the Ionian islands for the years ending on the 25th Dec. 1817, and 1818, as far as these accounts had been delivered by the Mediterranean commissariat to the Audit-office. Since these returns had been made, he was aware that some praise was due to the secretary of the Treasury, for the more distinct manner in which the accounts of the army extraordinaries had been made up: but much remained to be done to bring the colonial expenditure fairly before parliament. By the accounts to which he had referred, it appeared that in 1817, the expenses incurred by Great Britain in the Ionian islands, over and above the sums defrayed out of the local revenues, amounted to 145,203*l.* for the Ionian military establishment alone, exclusive of transports, which were kept there at a considerable expense for three years; and it was only on his moving for certain returns, the year before last, that four or five of these transports, which were kept sailing from island to island chiefly, if not entirely, for the convenience of the lord high commissioner, were discharged. In 1818, the expenditure charged to Great Britain was 120,000*l.* He had moved for further accounts, which were not yet forthcoming, but he knew that an increased number of British troops had been since employed there. At first 2,000 British troops were employed there, then the number was increased at different times, 2, 3, and 400, until the number of regular troops now amounted to 3,900, exclusive of the artillery, commissariat, and other departments. Upon calculating the expenditure incurred by England for these islands, during the seven years that had elapsed since the treaty of Paris, he found that it amounted to above a million sterling, every shilling of which might and ought to have been left in the pockets of the people of England, agreeably to the treaty of Paris; and moreover he was convinced, that under a proper and provident management of the Ionian revenues, sufficient funds would have been derived from them for maintaining the garrisons, without adding any thing to the burthen of England on that account. He would, however, add, that under the profuse and extravagant government of sir T. Maitland, England would be drained

to support useless civil and military establishments, and at the same time to deprive the islanders of their rights and liberties [Hear!]. So far, therefore, as pecuniary calculations were involved in this question, he must submit, that the resources of Great Britain were wasted to support establishments in these islands, which were not warranted by the circumstances of the times, or the treaties by which England had acquired the protection of these states. Upon a reference to the returns which had been made of the revenues of the Ionian islands, in the years 1817, 1818, and 1819, he found that in 1817 they were 391,000 dollars, or 87,000*l.*, to which, for the purpose of showing the total expense of their government, must be added the 145,000*l.* charged to England: thus constituting for the civil government and military garrisons in one year of peace, no less a sum than 232,000*l.* [Hear!]. In 1818, the revenues appeared to have been increased to 615,000 dollars, a sum equal to carrying on the whole expense, were it not for the creation of new and useless offices, and the augmentation of the salaries of the old offices by sir T. Maitland. That lord high commissioner himself held a variety of offices in his own person: as governor of Malta he received 5,000*l.* a year; as commander-in-chief in the Mediterranean he received 3,500*l.*; as lord high commissioner he received 1,000*l.*; by a pension from the revenues of Ceylon he derived 1,000*l.* more; and besides these emoluments, he had a regiment, and a variety of allowances, probably putting him during the last seven years, in the receipt of 15,000*l.* a year, or 13,000*l.* upon the most moderate computation. How far these appointments were consistent with the noble marquis's repeated declarations of economy, he (the marquis) would perhaps explain to the House: but he (Mr. H.), contended it was a breach of duty, as well as of promise, for the government not to look into and reduce this expenditure, and save the country the additional burthens it so improperly imposed.

The hon. gentleman then read a list of salaries and offices in the islands, which had all been of late years augmented. There was a secretary in one place at 500*l.* a year, an assistant at 300*l.*, two others at 250*l.* and 150*l.*, all with other allowances, a general treasurer at 700*l.*; his assistant 250*l.*; another at 280*l.*; the head of the supreme council 2,000*l.*; with a variety of other salaries of the same description. Amongst these items he also found an agent for the Ionian islands resident here (an office, in his humble opinion, utterly unnecessary), a sir Alex. Wood, with a salary of 500*l.* a year. Sir F. Adam had also 1,000*l.* a year as chief military officer under the lord high commissioner; four militia inspectors had 383*l.* a year each, and six sub-inspectors some had 228*l.*, and others 191*l.* each. Near 3,000*l.* a year was thus paid for militia inspectors, when he knew, from an officer who had for three years filled one of these offices, that not a single inspector of them had been called out on duty, with the militia for one day throughout the whole of that period [Hear, hear!]. There were 10 staff officers in this manner useless; one of them was major Thomas Fane, a member of that House, appointed so lately as last August: captain J. L. White was another to rank as lieutenant-colonel, as all of them did on their appointment; he was from the 61st foot, and was appointed inspecting field-officer in the gazette of the 4th of August last. These offices were, as the fact proved, merely for the sake of patronage, and not for service, in the gift of either the government at home or the general abroad. It was intolerable that England should have to pay 150,000*l.* over and above the revenues of these islands for purposes of this kind, when their revenues ought to be quite sufficient for every purpose, or, if not so, it should be shown that these revenues were inadequate to the real services required under the protection of England. But no accounts whatever of such necessity were submitted to the House. [Hear.] In looking over the returns laid before the House on his (Mr. Hume's) motion, he found above 350 individuals on the list of offices. He regretted that the gallant general, sir Thomas Maitland, should in his last year's speech (a speech certainly intended for England rather than for the senate to which it was addressed) have taken so much pains to animadvert upon the manner in which duties were discharged without pecuniary remuneration; it was a slur upon the whole unpaid magistracy of England, although there was no doubt that he, by that statement, intended to sanction all the extraordinary salaries which he had established in the Ionian islands. He (Mr. H.), when he was

there, knew many persons of great respectability, who were proud to act as justices of the peace in their islands, and as officers of the inferior courts, in the same manner as our magistrates did in England, as an honour, and without reference to any remunerating salary.

But it was said, that these people had taken bribes. He denied the allegation generally, although there might be exceptions: it was improbable, and he thought, in the absence of all proof, his assertion on the one side was just as good as the one on the other. If there be any ground for the charge, why was the proof not produced? Under the Russian protection and the septinsular republic of these islands, the president was paid 1,515 dollars a year: living was cheap there, simplicity reigned in almost every branch of the Ionian domestic economy, and reduced the expenditure to one-fourth, or, perhaps, one-sixth of the cost of living in England; 1,515 dollars were, therefore, considered to be a large and liberal allowance by Russia. What did sir T. Maitland do for the president (whether he was a favoured man or not, he did not mean to say)—he raised his salary to 6,222 dollars a year. The senators, who had but 909 dollars each, received now 3,111 dollars; and the members of the legislative body who, in the time of the septinsular government, had altogether received but 12,000 dollars, were now allotted 26 or 27,000 dollars; and, although their services or sittings were only for a few weeks in the year, they were, instead of being paid during the time of their actual labours, put upon annual salaries, since sir T. Maitland's government. Not less extraordinary were some of the expenses charged on account of the lord high commissioner, sir T. Maitland. He alluded to the travelling expenses, under the head of army extraordinaries in 1819: such as "paid to captain Maitland for the passage and expenses of sir T. Maitland, in his majesty's ships, from Corfu to Malta, from Malta to Genoa, &c. 778*l.*" This was a charge, the House would observe, for the travelling expenses of an officer, receiving 5,000*l.* a year as governor of Malta, who ought to have been all the time on duty at Malta. [Hear.] It would be known to many members, that last year a petition had been sent from Malta, complaining of neglect of duty on the part of sir T. Maitland. In 1820, the charge for similar expenses, and on account of the same individual, was 982*l.* In 1821, it was 615*l.* All this seemed to be very exorbitant and unreasonable; but, why the charge of passage for a civil officer, in a ship of war, was entered in the army extraordinaries, he was totally at a loss to conceive. These expenses, seemed the more unwarranted, because that officer's pay and pensions amounted, exclusively of them, to no less than 10,458*l.* per annum. If such charges, therefore, were to be permitted for such offices, it was in vain for the country gentlemen to ask for relief: relief could not be effected, while items of this nature were allowed to remain.

Having now offered these few observations on the subject of economy, he would beg to add some upon the treatment which these islanders had received at our hands. There were many gentlemen in that House who had visited the Ionian islands since he himself had been there; and they would, perhaps, inform parliament what was the state of things at the time of their residence in those countries. For himself, he could vouch that at the period during which he was among the people in question, the English were almost adored. [Hear.] The Greeks looked up to them as their benefactors; they considered them as the assertors of their freedom; and from the hands which could confer so invaluable a gift, they were disposed to hope every thing. At the present moment, however, the very name of England was detested by all Greeks; and they awaited with impatient anxiety the moment which should enable them to free themselves from the odious thraldom in which they accused us of having bound them; and to break from the galling yoke which they reproached us with having imposed upon their country. [Hear.] They had, in truth, received from us the empty semblance of a representative constitution; but it was one destitute of all the benefits which they might reasonably have expected from it. The delusive constitution which they had received was calculated to be for a long time matter of deep regret to this unfortunate nation. He called it delusive, because it held out the form and appearance of popular representation, whilst it was a perfect despotism, under sir T. Maitland, who ruled every thing. When sir T. Maitland arrived at Corfu on the 17th Feb., 1816, his arrival

was hailed by all the islanders with infinite joy, and they naturally hoped that under the representative of so powerful a protector as the sovereign of Great Britain, they should enjoy that freedom and those privileges, particularly the privilege of being represented in their senate, in the possession of which Great Britain herself had attained to such political distinction and renown. The very first opportunity that offered, however—in the case of Theotoki—attempts were made to influence and force the senate in their deliberations. These unfortunate islanders soon discovered that the lord high commissioner was disposed to put them and their institutions at defiance. In short, this case had been so often mentioned, that it was only necessary for him (Mr. H.) to state, that, in a few weeks after his arrival, endeavours were made to induce the senate to accede to measures which they had previously declared they could not conscientiously do. Four senators were expelled, and the most violent and unjustifiable measures were adopted by sir T. Maitland to procure their expulsion to Santa Maura and Zante. No specific charge was brought against them, but they were accused in a public proclamation generally of corrupt and wicked practices. [A laugh.] He (Mr. H.) thought it would be difficult to attach any other meaning to the Italian words "gli atti inetti e corrotti." The senate protested, but in vain; and the event was, that the lord high commissioner thought it necessary to proceed against the senators in a similar way. The senate remonstrated; but this violent conduct was sanctioned by the authority of an English order in council; the ground of which appeared to be, that this government could not consider the senate to be the general legislative body of the Ionian republic; but it considered it as the senate of Corfu only. Now what was the fact? The treaty of Paris had expressly recognized it for the senate of the septinsular government. The government of Great Britain had, by their first act, thus manifested, that they approved of a course of proceeding which was intended to strike terror into the minds of the people. This system of terror it was easy to trace at very different periods. On the 18th Jan., 1817, the drums beat to arms, the garrison was called out, the alarm was sounded, and every thing seemed to indicate that the island of Corfu was about to be attacked. There were at that time his majesty's ships Spartan and Tagus lying at their moorings; and these ships received the lord commissioner's orders to anchor opposite the town in the harbour, as if for the purpose of additional security. All the authorities were alarmed, and great pains were taken to persuade them that a conspiracy had been discovered, and that its objects were directed against the government. Now, this plot, which was called from its author Bignotti's conspiracy, had been anticipated in fact; for it was talked of at least two months before in the governor's house at Malta, as a thing very likely to happen. Private papers were seized; persons were imprisoned; and no one could reasonably consider himself to be safe. Priests, nobles, lawyers—none were respected who were considered to be obnoxious. At length an inquiry took place; the whole story was declared to be false and unfounded, and the parties who had been imprisoned were liberated, with a caution to demean themselves more carefully for the future. From that moment, no individual in the islands dared to express himself in the smallest degree dissatisfied with the British government. [Hear.] But a set of men easily discovered what they had to do, to curry favour with it, and to bespeak its favours by subserviency to the lord high commissioner and the crushing every complaint against his government. After acts of oppression and violence like these against innocent people, it would scarcely be credited that addresses to the lord high commissioner were got up by a set of sycophants—that some persons determined to raise triumphal arches to his honour—others to erect columns, with inscriptions to his praise. On the 5th of April 1817, the inhabitants of Cephalonia agreed upon a plan of this sort, and nothing could please them but a bronze statue of the general [A laugh.]; in Zante they proposed to erect a bust of a colossal size, which they determined should be made by the celebrated Canova. He (Mr. H.) regretted that an hon. gentleman, whom however he had not the pleasure of knowing (Mr. Bankes, jun.), was not now present, because that hon. member was understood to have been in the Ionian islands at the date of these transactions, and could, perhaps, afford the House some information on the subject. There were, however, one or two other members who, from similar circumstances, were equally

qualified to furnish some particulars. At Santa Maura they voted a triumphal column; Ithaca and the other islands vied to demonstrate their attachment to the lord high commissioner. Shortly after this it was, that the grand crosses of the order of St. Michael were distributed in great profusion; and he believed that if a list of those distributions were laid before the House, he could with great facility point out those as knights who had been most active in preparing the fulsome addresses, or in voting for the columns, the busts, and the statues. This was much to be regretted, because those honours ought to have served a much better purpose. He really did believe, that if this country had ever done one thing more disgraceful than another, or one thing which was meant more than another to serve the purposes of a corrupt influence, it was the way in which the grand crosses of St. Michael were distributed. The noble marquis might rest assured, and he (Mr. H.) had no hesitation in asserting, that very many of them had been disposed of in the way just mentioned.

The House had been informed, that the lord high commissioner soon drew up a plan for a free government, and the people of course expected that their representatives should have some active part allotted them to perform. But they were disappointed: for those hon. members who had read what was called the constitutional charter, would see, that whatever it might hold out as its ostensible object, its practical effect was, to throw all the real power of the government of the Ionian islands into the hands of the lord high commissioner *alone*. [Hear, hear.] When the House looked at this instrument, they must perceive that it was one of the grossest delusions and most unblushing impositions that was ever submitted to the consideration of an intelligent people, under the name of a popular representative constitution. He had already said, in short, that the corrupt system of the self-elected magistracy of a Scotch burgh was nothing to it. A Scotch burgh was not presumed to possess a fair representation, and was considered as a mere rotten establishment; yet both purported to be represented by those who were selected by individuals competent to judge and having the power of selection for themselves. The fact was notoriously otherwise, and the analogy between the two cases was extraordinarily close. Would the noble marquis permit him to ask, how long it would take his lordship to settle the constitution of a country? [Hear, and a laugh.] Every body knew the facility of the noble lord in settling governments; and if the noble lord, in reply, should say, that it would occupy him for a space of time equal to that of the sitting of the agricultural committee, he (Mr. H.) would be quite satisfied. [A laugh.] But what was the case with the Ionian constitution? The legislative assembly of those islands was composed of 40 deputies or senators, of whom 29 ought to be returned by the freeholders of the different islands, and 10 were nominated out of a certain number elected by the lord high commissioner. Not contented with the power of electing 10 members, the lord high commissioner had endeavoured to influence the election of all the other senators who were eligible by the people. The people were summoned to vote for those who had been selected by sir T. Maitland. They refused; but being at length informed by the governors that they must vote, they came and voted in the negative. Notwithstanding the refusal of the people to vote for the parties nominated by sir T. Maitland, their votes were recorded, and the parties in question were sent up to the assembly, as if they had been duly returned, although a certain proportion of votes in the affirmative were requisite for an election [Hear!]. On the 24th of April, the assembly met and were called on to take an oath, that they would not divulge the subject or nature of their deliberations until the pleasure of the sovereign protector should be made known. On the following day, the 25th, the constitutional charter (to prepare which, agreeably to the treaty of Paris, they were summoned), ready prepared to their hands, was laid on the table, and read. The assembly were called upon immediately to agree to it—one individual spoke against its being confirmed, but he was immediately put down: no discussion was allowed; and thus the instrument was advanced towards its completion with a rapidity of which the House, quick as it was in the work of legislation, could hardly have an idea. On the 25th, it was finally agreed to, and the seal of the lord high commissioner was affixed to it. This was the Magna Charta of the Ionian islands! [A laugh.] On the 25th, the assembly, the deliberative assembly, who had pre-

pared, between the 24th and 25th, a constitution, were called upon to sign, and did actually sign, and approve of it after one reading! [Hear!] Five days afterwards a deputation was appointed to carry the instrument to England for his majesty's approbation; and on the 5th of May the deputation was sent to its destination. Since that period, the lord high commissioner had controlled every thing; and not a man in the Ionian islands dared to open his mouth against what was known to be his wish or even his will. Setting aside the disappointments the people in question had experienced, and they were grievous; surely it was shameful that England was thus to be held up to the censure and derision of all Europe, for such acts of injustice committed in her name by sir T. Maitland! What could the noble lord, what could any traveller expect, but always to hear the injustice we had committed complained of; and what could be more reasonable than the demand for justice and reparation at our hands?—The hon. gentleman then adverted to the cession of Parga, which he designated as one of the darkest blots upon our national reputation. In that, too, the lord high commissioner had had but too great a share. Then an insurrection had broken out at Santa Maura, and everybody well knew that it was the effect of a most impolitic taxation and oppressive government. Every act of our government in these islands had been distinguished by a character of violence or tyranny. Two priests accused of being concerned in exciting that insurrection were taken and executed in their canonicals. Though they might have been guilty, some measures other than a drum-head court martial should have been adopted that might have sufficiently proved them to be so. He, for one, could not separate sir T. Maitland from that responsibility which he conceived attached to the exercise of the British authority in the Ionian islands. Another act of his government was equally extraordinary and unwarrantable. The whole of the church property had been placed under the superintendance of col. Robinson, as administrator-general. An officer of the marines was appointed head of the church to act under the authority of the senate. He was directed to recover all usurpations of property which he should consider as such, without an appeal or the interference of any tribunal: he appointed the stewards to all the church establishments, and the elections of abbots and abbesses were held under his authority. What must have been the feeling of every Catholic at the nomination of colonel Robinson? It would not be enough to tell him (Mr. H.), in answer to this part of the case, that a change was subsequently made, and col. Robinson's authority in this respect limited to Corfu. In any island the interference of a heretic in that manner with the Greek church was the grossest insult. He would give one instance of the manner in which the powers to which he had alluded were exercised, as far as regarded the recovery of what was called usurped property. An individual of the name of Battaglia owned some land that had been in the possession of his family for a century. It was resumed, as belonging to the Church: he appealed, and four judges were called upon to decide the question: two gave an opinion in his favour, and two against him. The question was then referred to the lord high commissioner, and in his final decision a decree of the doge of Venice, as long ago as the year 1416, was quoted, declaring that none of the church lands could under any circumstances be alienated [Hear.] Accordingly, the land was resumed, and Battaglia had been a beggar ever since. The consequence of these proceedings was, a disturbance at Zante, which, however, did not proceed to the length of rebellion. A number of persons were arrested on suspicion and some were prosecuted; among them Martinengo, who was charged with no distinct crime, but was supposed to have had something to do in exciting an unpleasant feeling on the part of the people against the government. The manner of the arrest of that gentleman and the subsequent treatment would be a fair example of the manner in which the Ionians were treated. On the 7th of August, at midnight, he was dragged from his bed, and kept in silent and solitary confinement until the 23rd October, not even being allowed to have an interview with his adopted son. He was then brought to trial on a charge of so vague and wild a nature, that the learned member for Winchelsea (Mr. Brougham), on a former occasion, had truly stated, that the lowest attorney of the court ought to have been ashamed of producing it. It was worthy of remark also, that Martinengo was not tried according to the forms and court appointed for such offences in the constitutional charter; but a new

court was constituted for the purpose, and that court sentenced a man of one of the first families in Zante, and sixty-six years old, to no less a punishment than to be degraded from his rank and to be imprisoned for 12 years in the fortress of Santa Maura. Death would have been mercy, compared with such an infliction. [Hear.] The adopted son of Martinengo came to this country, and on a statement of the facts, this government commuted the sentence to three or four years' banishment, and Martinengo was at this moment in Venice, with some hundreds of his unfortunate fellow-countrymen who have been banished or have fled from the tyranny of sir Thomas Maitland. Were not these facts enough to rouse the most indolent and supine? The bare relation of them made the blood boil; but the endurance of them was ample motive for the Ionians to make every exertion to throw off a yoke so unjust and so onerous. The wonder indeed was, that these brave islanders, under such aggravated oppressions, had not made greater efforts to free themselves from such an odious bondage.

After quoting a passage from his (Mr. Hume's) speech of last session, in which the hon. member asserted, that the blood of the innocent victims would be on the heads of the oppressors, unless the British government interfered to stop such cruel proceedings, he proceeded to express his satisfaction that he had put his opinions upon record; for almost at the very moment he was delivering them, the wretched Ionians had been exposed to a new and needless visitation. The whole presented a scene of injustice and iniquity to which no parallel could be found under any British officer in any part of the world. A large portion of the most respectable inhabitants of Zante, indignant at the injuries their country suffered and at the treatment they received, drew up a petition to the king, which was signed by 32 names of rank and importance, and among them by Signor Georgio Rossi, a judge. It represented the hardships the petitioners and all the islanders sustained, prayed for a reform, and claimed of his majesty the free constitution and the benignant protection promised at the peace of Paris. What was the result? Signor Rossi and all the rest of the individuals who had signed the remonstrance were arrested, hurried to prison, and there confined, for affixing their names to what was termed a "seditious and rebellious petition." One object he (Mr. H.) had in view was, that if he failed in carrying his resolutions, he might induce the House to direct a copy of this document to be laid upon the table. Signor Rossi, the most respectable of the prisoners, however had the good fortune to make his escape and came to England to claim redress. If it were urged that the information which he (Mr. H.) possessed of many of these atrocious transactions was insufficient and defective, that circumstance could be very easily accounted for: every avenue by which intelligence could get beyond the islands was closely stopped; letters were opened and taken, and every channel by which truth could arrive was choked; but still all that he (Mr. H.) had brought forward, he should be able satisfactorily to establish. He then related, on the authority of Signor Rossi, the facts attending his escape, and subsequent arrival in this kingdom. He had been the only individual out of 32, who had been able to avoid the vigilance of their persecutors. He came to demand justice for the wrongs of his country; and having laid the particulars of his case before the secretary of state, he was answered on the 17th of July, 1821, that in his situation, no redress could be given; that he must go back to the islands, and put himself in the power of his oppressors, and that instructions had been sent out to the Ionian islands. At the time the 32 individuals were arrested, 50 other persons had put their names to another petition; the greater number of those were also subsequently confined; and Signor Rossi, obtaining information of the fact while in this country, again addressed earl Bathurst on the 17th September. The answer he obtained was, that "considering the situation in which he (Rossi) stood, lord Bathurst did not deem it proper to enter into any discussion with him." The deputation from Parga, after remaining here until they were almost unable to obtain subsistence, without obtaining redress of any kind, was at last obliged to return to those who had persecuted them. Signor Rossi, in the same way and for the same reason, had been obliged to leave this country and to go to Venice, where he found his countrymen flying from the gaolers of sir T. Maitland; and the only hope they now had was, that a revolution, like that of Greece, might some time or other restore them to their homes and to their estates. Subjected to

the arbitrary and unjust conduct of sir Thomas Maitland in their own islands, justice was denied, the ear of mercy was closed against their prayers in England!

In what a deplorable situation, then, were the Ionian islands at this moment. The lord high commissioner had asserted that they were in a state of "peace and tranquillity." They were in peace and tranquillity; but it was such as Mr. Burke had described the plains of Arcot when oppression and death had emptied the abodes of man. The islands had been lately put under martial law; the whole population had been disarmed, an act inflicting the deepest disgrace, for to them to be without arms was a badge of slavery. What was the alleged cause of this most oppressive and unnatural state of things on the part of their protectors? Merely that the people had sympathized with their fellow countrymen in Greece: because they had felt as all men ought to feel in behalf of fellow christians, struggling to throw off the yoke of infidel Turks, they were declared under martial law, and had been deprived of their arms. He agreed with the noble marquis, that this country ought to preserve the strictest neutrality: it had always been too anxious to mix itself in the broils of other states; but what sort of neutrality had been observed towards the Greeks? It was notorious that the public authorities in the Ionian islands had done every thing to favour the Turks, and to impede the march of liberty. [Lord Londonderry asked across the table, how this assertion was proved?] He admitted that it was difficult to establish the fact: in the nature of things it must be so; but it was not to be disputed, that after a fight between a Turkish ship and two Greek vessels, the former made towards the shore of Zante to escape; the people assembled in large numbers, anxious that as the Greek ships had been refused assistance in Zante, no succour should be afforded to the Turkish ships—a conduct fair from neutrals—a military force was dispatched to the shore where the Turkish ship was, under pretence that it was necessary to guard against the communication of the plague. A dispute took place between the inhabitants and the soldiers; both parties fired, and lives were lost on both sides. Another circumstance would more distinctly show that neutrality had not been observed. At Patras resided the consuls of various nations, and among them, Mr. Green, the consul for England. While the Greeks were besieging the Turks in the citadel, they were most unfairly and improperly treated by Mr. Green; but instead of resorting to any more violent course against the envoy of a country they were so unwilling to offend, they entered a protest against his conduct, which was dated April 26, 1821, in which they charged him with being neutral only in words, and partial in deeds, employing spies against the Greeks, and giving information to the Turks, by which all the projects of the former were defeated. This instrument, a copy of which he had in his hands, was signed by the magistrates of Peloponnesus. After a knowledge of this fact, in addition to their own wrongs, was it surprising that the inhabitants of the Ionian islands should feel some degree of animosity against this government, and show a strong sympathy with the Greeks engaged in so arduous and so glorious a contest? a contest in which he hoped they would succeed, in spite of the disgraceful conduct of the British authorities in the Ionian islands [Hear!]. The examples that had been made by imprisonment, and the executions that had been the consequence of their manifesting that sympathy, might have been amply sufficient. Nevertheless, on the 12th of October last, martial law was proclaimed, and every means adopted to reduce the wretched and degraded islanders to what sir T. Maitland termed a state "of peace and tranquillity." This law, too, was extended to Cephalonia, Corfu, and Santa Maura, where not a man had attempted to contravene the orders of government, as was admitted by the lord high commissioner himself in his speech to the legislative body at Corfu. Great pains had been taken to circulate that speech in this country; and though it professed to be intended for the Ionian islands, it was very clearly meant to be read by the people of England. As a proof he might observe, that the legislative body were told by sir T. Maitland (a piece of information certainly not very new to them) that Santa Maura was separated from the continent only by a narrow channel. [Hear!]—a piece of information, somewhat similar to what would have been the case in this House, if the king should inform us, that London bridge connected the city and the Borough of Southwark. Besides, it involved an obvious contradiction, for the governor issued a proclama-

tion against clandestine departures from the islands; yet in his speech he stated, as a reason for disarming the population, that they had left the islands in bands, and in the open day, in defiance of the public authorities. It was admitted, that banditti came over from the continent to Santa Maura, and plundered the inhabitants, and yet sir T. Maitland had deprived the people of their arms, that they might be unable to defend themselves and their property from such banditti [Hear, hear!]. There were strong internal marks in this document, that it was fabricated for publication here; but it bore no marks of having been manufactured by an artist of even ordinary skill. Much had been said of neutrality, and great pains had been taken to prevent any arms or military stores being sent to the Greeks. But gunpowder to the amount of 52,000lb. and 15,000 shot had been, in 1820, sold to Ali Pacha out of the public stores, at Corfu and its delivery superintended by a British officer, in the month of May in that year. It was true that these stores had been taken from the French, but at the time to which he was referring they were under our control, and were disposed of in the manner he had described, by the agency of Mr. Johnson, a merchant. Did this indicate a sincere disposition to preserve neutrality? [Hear!]. The prohibition by proclamation in the supply of arms, although made equally against the Turks, he considered as in point of fact only another breach of the neutrality; for how could they expect that any assistance could be sent by the Greeks from those islands to the Turks? Sir T. Maitland, on his return, had conducted himself towards the bishop of Cephalonia and several ministers of that church, with the most unjustifiable harshness and oppression, on no pretext but that of their having offered up prayers for the success of the Greek arms. This had been done in Switzerland; and surely it was not surprising that amongst the inhabitants of the Ionian islands, a people of the same religious persuasion as the Greeks, a form of this kind should be adopted. Such, however, was the temper manifested by the lord high commissioner, that he issued a proclamation, in which it was declared, "that as the Turks were our friends, it was abhorrent to all the feelings and principles of a good subject to pray for their adversaries." The bishop of Cephalonia was seized and conveyed to Corfu; he was afterwards removed to Italy, where he now continued an exile and a wanderer in poverty and want [Hear, hear!]. He (Mr. H.) knew not what could be urged in exculpation of so cruel and unreasonable a proceeding; but he must say, that it appeared to him to fill up to the brim the measure of that despotism and oppression, which should, in his judgment, have heretofore disposed his majesty's ministers to investigate the conduct of sir T. Maitland. No real inquiry was, perhaps, ever likely to take place, whilst the lord high commissioner retained all his present authority; and therefore it was that he should have considered himself warranted in at once moving for his recall. So long as sir T. Maitland continued in the exercise of all his powers, very few individuals would have the boldness to step forward and offer their evidence to criminate him. Since, however, many of his (Mr. Hume's) friends were of opinion, that the more fair and regular course would be to move in the first instance for an inquiry, he had yielded to their recommendations. Had this inquiry been allowed during the last session, how many melancholy scenes might have been prevented, and how much of that obloquy now cast upon the British name might have been avoided! If the treaty by which those islands were placed under British protection had been attended to, and a free constitution given to them, much disgrace which we have suffered, would have been avoided; the people would have been happy, and an annual expenditure of 150,000*l.* would, in all probability, have been spared to England. Surely these were sums too extravagant to be paid for the reprehension and indignities to which we had been subjected by our administration in those unfortunate islands.—He had to apologize to the House for the length at which he had trespassed on its attention in the discussion of this interesting subject. Without doubt he had been led to express his feelings strongly, but he hoped not offensively; his decided conviction certainly still being, that unless his majesty's ministers would go into the investigation, there was no security against a recurrence of evils as grievous and deplorable as those which he had endeavoured to lay before them [Hear!]. He should now submit his resolutions, the first and second of which were only declaratory of certain facts that were, he believed, unquestion-

able: the 3rd and 4th were recommendatory of the best means of saving expense to this country, and of ascertaining the truth to be enabled to do justice to the Ionians, as we were bound to do. The resolutions were as follow:

1. "That it appears by documents upon the table of this House, that the Ionian Islands were, by a treaty signed at Paris on the 5th November 1815, between the courts of Vienna, St. Petersburgh, London, and Berlin, declared 'to be a single, free, and independent state,' and were placed under the immediate and exclusive protection of the king of Great Britain; and that, by article 6 of the said treaty, 'his Britannic majesty consents that a particular convention with the government of the said United states shall settle, according to the state revenues, all matters relative to the maintenance of the fortresses now existing, as well as to the support and pay of the British garrisons, and to the number of men who are to compose them in time of peace. The said convention shall also establish the relations which are to take place between the armed force and the Ionian government.' That by article 12, of the 2nd section of the 7th chapter of the constitutional chart of the United states of the Ionian Islands, agreed to by the legislative assembly on the 2nd May, 1817, and sanctioned by his majesty the king of Great Britain, it is settled, 'that all expense of quartering the regular troops of his majesty, the protecting sovereign, and generally speaking, all military expense of every kind to be incurred by the states (as far as relates to the 3,000 men therein named) shall be paid out of the general treasury of the same.'

2. "That it appears by returns on the table of this House, that the expenditure of Great Britain for the military establishments in the Ionian Islands, amounted to the sum of 145,023*l.* in the year 1817; and to 120,045*l.* in 1818, exclusive of the expense for transports, relief of troops, passage money, and other charges, which have not been laid before the House.

3. "That it is expedient, in the present state of the finances of the United kingdom, that the military expense incurred for the Ionian Islands, should be paid from the revenues of those Islands, and regulated agreeably to the stipulations of the treaty of Paris, 5th November 1815, and the convention of the United Ionian states, agreed to on the 2nd May, 1817, and sanctioned by his majesty.

4. "That an humble address be presented to his majesty, that he would be graciously pleased to direct an inquiry into the state of the government of the Ionian Islands, the causes of the general disaffection, and of the numerous arrests and banishments which have taken place there, and for what reasons the inhabitants were disarmed, and martial law proclaimed."

Mr. *Wilmot* said, it would not be necessary for him to go over the whole ground traversed by the hon. member, inasmuch as his speech, or at least the greater part of it, occupying a space of nearly two hours, consisted in a discussion of topics, *verbatim et seriatim*, the same as he had brought forward in the course of the last session. The House had then rejected the hon. gentleman's proposition by a majority of 97 and 27; and it could not, therefore, be requisite for him to extend his reply on this occasion, or to animadvert on so many points as he should otherwise have thought it his duty to refer to. The first material difference between the hon. gentleman and himself regarded the construction of the article in the treaty of Paris, by which the Ionian Islands were bound to pay the whole expense attending both their civil government and the military force which it should be necessary to maintain. His interpretation of this article did not lead to the same inference, and he was prepared to contend that the article had been fully complied with. As far as the people of those islands were competent to defray the charges of their own government and security, they had been called upon to contribute to that object. This observation applied to the military as well as civil expenditure; the whole of the latter having been uniformly borne by them. But if it was found expedient to introduce British garrisons (and by another article this emergency was contemplated, 3,000 men being stated as the *maximum*), it was then to be considered how far the islands were competent to support an additional burthen of this nature. It might not be improper here to advert to the condition of those islands when they came for the first time under our protection. The hon. gentleman had referred to their situation before that period; but he hardly meant to argue, that whilst they were under the Venetian government they enjoyed

more practical liberty than they did at the present moment. The dominion of France had certainly not been more favourable to their interests, than it was generally to the safety or happiness of the colonies belonging to that power, or of states placed under similar circumstances. With respect to Russia, it could not be maintained that there was the slightest analogy between the treatment which the inhabitants experienced under her control, and the rights which they enjoyed under the existing constitution. The system introduced by the Russian government in 1803, though called free, had been generally pronounced to be wholly unfit for the wants and character of the people. A different one was consequently established in 1806, and remained till the treaty of Tilsit restored all the islands to France. Such being the case, the House would not be surprised to learn, that when sir T. Maitland arrived among them in 1816, he found the senate to be a mere *formula*, without power or competency; and that the constitution, so far from being in action, must be entirely re-organized under the auspices of a protecting power. Instead of presenting a mortifying contrast to all good government, a great variety of abuses had been corrected and a very material improvement effected in the general administration, as soon as sir T. Maitland had taken the authority into his own hands. The civil expenses had indisputably been increased, but without imposing any additional burthens of taxation; for he must apprise the House, that if a new duty had been levied on the export of oil, it was in commutation for eleven other taxes which had been found infinitely more grievous. The hon. gentleman had complained that the expence of the civil government had been raised in 1819 from 98,000 to 221,000 dollars. Now, although this statement should be perfectly accurate, yet he would defy the hon. gentleman to prove that the islanders paid more now in taxes, than they had been accustomed to pay when the acknowledged public expenditure was so much less. The fact was, that public money was formerly intercepted and misapplied, in a mode that could not be adopted under the improved regulations now subsisting. Public service was now remunerated in the ordinary way, and adequate salaries were attached to the various offices into which the machinery of government was divided. All this was clearly explained by sir T. Maitland himself, in his speech to the assembly, in 1820; but the hon. gentleman was disposed to view with an unfavourable eye every part of that officer's conduct. Yet the truth was, that with very few exceptions, and those easily accounted for, there never was less discontent amongst the inhabitants than under his administration. It might not, however, have been precisely the same case, if we had, as the hon. gentleman seemed to advise, pressed our sovereignty upon them, and compelled them to raise larger funds than were deemed suitable to their means or resources. In point of fact, we had no valid claim for more than we had received; and no honourable member would blame the practice which had been introduced, of annexing salaries to official appointments. With regard to the charge made by sir T. Maitland for passage money, it was impossible for him (Mr. W.), until he had further information, to explain all the particulars that might have compelled sir T. Maitland to pass frequently from island to island. He could, however, state, that no such charge would again occur, as a vessel was now building for the purpose of conveying him in future on such occasions. The hon. member should not have presumed, without further information, that the addresses presented to sir T. Maitland were at all expressive of any disappointment in the people, and that they had ceased to afford any tokens of their satisfaction. As to the freedom which they enjoyed, he must remind the hon. gentleman, that the constitutional charter of France was not framed at once, or by the whole people, but on a deliberate reference to their wants and situation. The charter granted to the Ionian islands was not supposed to contain the exact portion of civil liberty which they were qualified to enjoy; but such a degree of it as might lay the basis of progressively superadding whatever might be found secure and desirable. It had received the sanction of that House without discussion; and if unsuitable to its purpose, that House must share the blame, and the hon. gentleman had grossly vilified it in vilifying the plan which had been drawn for securing the rights and privileges of these islanders. The latter, indeed, were much better pleased with the British government than they had been represented, and felt relieved from various oppressive burthens, since their transfer to

our protection. The hon. member had given a strong instance of his prejudice, in dwelling on the supposed subserviency and adulation in certain testimonies of respect offered to him by some persons, as if they were necessarily agreeable to sir T. Maitland, who had interfered to prevent the erection of a statue, but who could not answer for the various modes which different people had of testifying their loyalty or respect. As to the orders of St. Michael and St. John, he believed they were nearly the same as those instituted by the Russian government. With regard to the form of election, it had been improved by the adoption of a double list; and as the Russians had introduced the ballot, the numbers were also now turned up before the people, to whom both the changes were agreeable. The hon. member next came to the transactions at Santa Maura, which had already been so fully discussed before the House, that he deemed it unnecessary to go into them minutely again. The hon. member asserted, that the circumstance alleged by government as the cause of the disturbance there, was not the true one; and he asked on what authority the statement of government was founded? He would answer, that it was founded on the representation of those who had investigated the subject; and he could conceive no reason why the information of the hon. member should be better than that of the government. The fact was, that when an attempt was made to embody the militia, it was supposed that it was intended to send them to another climate, to act in the service of this country. It was this misapprehension which created the disturbance, and not the improper exaction of local taxes. With respect to the case of Valerio Lerico, the hon. member was entirely mistaken. That individual was dismissed for positive malversation and disobedience of orders. After a rigid inquiry into the conduct of that individual, he was found unworthy of office, and he was dismissed.—They next approached the question of the church establishment. And here the hon. member should recollect, that the law of which he complained was passed in the absence of sir Thomas Maitland, and in the time of sir F. Adam. It was received by the people as a boon and a blessing; and the peasantry expressed a very great wish to have it enforced. They were anxious that the property to which it related should be appropriated to the use for which it was originally intended; and, with this view, that it should be taken out of the hands of private individuals, who dealt with it in an improper manner. There were, therefore, circumstances connected with the machinery of this bill, which fully justified it. On this point, the hon. gentleman adduced no cases except that of Alessandro Battaglia. Now, in that instance, he could not see that any principle of justice had been violated. He knew of no circumstance which could have led the hon. member to think that the person alluded to had been unfairly treated. At all events, he had the satisfaction of knowing, that no such feeling existed in the mind of the person whose case had been quoted. He, as appeared from his own letter, was perfectly satisfied with the treatment he had received. In a letter dated Corfu, March 23, and addressed by Battaglia to sir T. Maitland, he found, instead of expressions of disapprobation, nothing but the warmest acknowledgments of gratitude. The letter ran thus:—"I have received, with the profoundest gratitude, the favour which your excellency has condescended to show, and my feelings, which are overpowered, prompt me to say much, but their violence prevents me. I feel for your excellency the deepest impression of esteem and affection, heightened by gratitude. I feel that delightful sentiment to its fullest extent. Will your lordship receive the testimony of my humble respect, and that of my family, whose ardent prayer is, that Heaven may bless you the longest day you live." [A laugh] Whatever laughter this letter might excite, it was quite clear that this particular case could not be one which justified the interpretation put upon it by the hon. member. He called on the hon. member to adduce other instances; and he denied, in the outset, that any oppressive acts had been committed under the law in question. The hon. member might have cited various cases where the individuals affected by the law complained of its operation; but it did not, therefore, follow, that they had been unjustly treated. There was one case in which property that had been leased for three generations was affected; and, naturally enough, the parties who had been so long in possession thought it extremely hard that the property should go back to the family by which it was originally held. But, hard as it might appear

the hon. member could not argue, that the property did not legally belong to the family of the grantors. The law was passed for the purpose of rescuing, for the use of the church, and for no other reason, grants and emoluments which were unjustly intercepted; and the measure, though perhaps it might be faulty in its details, was not unacceptable to the population of those islands.—With respect to the confusion at Zante, which the hon. gentleman attributed to an attack on the church property, his statement had, he knew, created a very strong impression on the minds of many individuals, particularly with reference to the case of Martinengo. But how did that case stand; and of what injustice could the individual complain? One of the first acts of the legislative assembly of the islands was, to place the crime of high treason under the immediate cognizance of the head of the high police. As sir T. Maitland stood in that situation, he was armed with power over that offence. And how did he act? He did that which every man must admit was most just—he remitted the case to a proper tribunal. The individual was found guilty; and, if the punishment to which he was sentenced wounded the feelings of gentlemen, it must give them pleasure to know, that that punishment was commuted. The hon. member alluded to the case of Flambunari and Rossi, one of whom had been deprived of his employment, and the other punished in a different manner, because they drew up a petition, which was meant to be forwarded to this country. The fact was, they had acted illegally. By the charter it was provided that petitions should be sent to England through the high commissioner. The hon. member, in touching on this point, had not read the whole of the petition in question. That petition was illegal, as it had not been handed over to the high commissioner, to be by him examined, and then sent to the mother country. That petition stated, that the constitutional charter was a disgrace to those who composed it —that it was the device of those who wished to place all the power in the hands of one, and thus reduce the government to a despotism. It was therefore disrespectful to the legislative assembly, insulting to the high commissioner, and no less insulting to the sovereign of this country, who had confirmed the national charter. These circumstances were all to be weighed, together with other practices of the parties so petitioning. Was there not every reason to suppose, from the very nature of the petition, that it was not intended to be transmitted to the lord high commissioner, or to the king? Was it not pretty clear, that it was meant for treasonable purposes? It was on these grounds, that steps were taken against the parties. It was impossible to argue the case with analogy to petitions in this country. Situated as those islands were, it was necessary to be guided, in a very considerable degree, by a reference to the practices of those by whom the petition was drawn up. During the whole of this proceeding, the hon. member had reasoned the question on the analogy between this country and the Ionian islands, which, he conceived, was very unfair; because no person could contend, that the people in those islands had the same proportion of liberty which the people of England enjoyed. Making allowance for this, the conduct of sir T. Maitland was, in this instance, very different from what the hon. member represented it to be.—The hon. member, in the next place, had earnestly called the attention of the House to the manner in which the people in those islands had been treated since last he introduced the subject. He complained, that martial law had been proclaimed, and that the people had been deprived of their arms. Now, it should be observed, that martial law was the permanent condition of those islanders, until sir T. Maitland took the command. With respect to the people being deprived of their arms without any justification of the act, the statement of the hon. member was not accurate. There were strong concurrent circumstances, which placed the policy of that measure beyond doubt, and no cruelty was exercised towards those who were subjected to its operation. He would ask the hon. member, did the people of those islands feel themselves disgraced by this measure? The British troops were not numerous, they were scattered in various directions, and there were 50,000 of the inhabitants in arms. Now, if the measure were viewed with a hostile feeling, how did it happen that, under these circumstances, it was carried into effect without any thing being done, which approached, in the slightest degree, to opposition or violence? Under martial law, he might be permitted to observe, no punishment, except whipping,

had been inflicted; and that, in the case of only one individual, who had been sentenced to receive fifty lashes. With respect to what had occurred at Patras, it was sufficient to observe, that it could not be permitted to the inhabitants of those islands to proceed there, and adopt a line of conduct which British subjects would not be suffered to pursue. Mr. Philip Green, the consul at that place, had intended to prosecute certain persons for a misrepresentation of his conduct; but, under the peculiar circumstances of the case, it was found impossible to carry on the prosecution. He had, however, published a formal disclaimer of all that had been alleged against him. [Here Mr. Wilmot read an extract from the Moniteur]. This was an authorized extract from a French paper; and, if the hon. member asked him the question, he would say that it was sanctioned by Mr. Green himself; it answered the charges that had been alleged against him, and contained a formal disclaimer of the atrocious conduct which had been attributed to him at Patras. The more they considered the state of feeling in that country, the more they ought to hesitate before they gave implicit confidence to any report, when they knew that passion was so strong, and feeling was so weak.—The hon. member, in the next place, alluded to the affair that had occurred at Zante, where, he stated, a Greek brig was stranded, and when a part of the crew attempted to land, they were fired on by the soldiers. Now, this was not the case. The soldiers of the island came down to enforce the existing law, and were resisted. They surrounded the party who had landed, and fired two shots over their heads. The person in command of the Greek party caused his force to fire: a cry of murder was immediately heard, and it was found that an officer was killed, With respect to the state of the islands. the last dispatches declared them to be perfectly tranquil; and at that time martial law was about to be removed. This was directly contrary to the description which the hon. member had given of their present situation. As to the feeling in favour of the Greeks, which those people had manifested, it was not at all wonderful. It was not surprising that such a sympathy should exist between those who had one common origin. Indeed, no man who possessed the slightest sensibility could avoid deploring the sufferings which the Greeks endured under the Turkish government. And if there were any thing to diminish, and lower, and dilute their sympathies on this subject, it was to be found in the atrocities that characterized the present warfare. He therefore did not understand the propriety of entertaining an extreme sympathy on this question; and, as sir T. Maitland was directed to hold an attitude of the strictest neutrality, and to exert his best efforts for the preservation of tranquillity, he did not think that gallant officer was blameable in issuing a proclamation, declaring that the property of those who left the island to join the Greeks, and who thus broke the neutrality, should be confiscated. Under all the circumstances, he had great pleasure in stating, that the islands were in a much better situation now than they had been. Their revenue was advancing, their institutions were improving, and year after year their habits were becoming more congenial to the progress of rational liberty. From the improvement in their revenue, it could not be doubted that they would, hereafter, be enabled to defray the expense of the troops which the protecting nation supplied.—There were one or two other points connected with this question, to which he felt it necessary to allude. In the first place, he could not avoid noticing the anxiety which had been manifested by the public press to prejudge this question. The most unfounded and monstrous calumnies had been propagated in the newspaper on this subject. Since January last the most deliberate falsehoods had been constantly asserted in the public papers relative to the government of the Ionian Islands, and some of them had appeared so lately as yesterday. He called the attention of the House particularly to this point, because he wished to show how unfairly the government of those islands had been attacked. An accusation was made in the public papers, that by paying 15 per cent government might take possession of the property of any person trading to those islands. What was the fact? An *ad valorem* duty was established in the islands, as was the case in England and America; and the whole process was this: if the person importing an article would not pay the *ad valorem* duty, he was offered 115*l.* for goods which he declared to be worth 100*l.* The reason for this practice was, to prevent fraud on the revenue. If the value set down by the

importer was satisfactory, the offer was not made; and if it were not satisfactory, he was not forced to accept the offer, and thus no possible injury could be done. Sir T. Maitland had also been censured for introducing a monopoly of corn. The fact was, that sir T. Maitland had, at one time, removed the monopoly, and he did not renew it until an absolute scarcity prevailed (there being corn sufficient only for a very few days on the islands), which rendered the renewal absolutely necessary. He mentioned these things to show, that there was scarcely a point in the civil government of those islands that had not been made the object of deliberate attack; and no pains had beeen spared in overstating, overcharging, and falsely colouring, all the acts which that government had performed. He, however, was persuaded, that the more the subject was sifted, the more praiseworthy would appear the course of policy that had been adopted. It must not, however, be taken abstractedly: it must be coupled and connected with a view of the circumstances of the time, and more particularly with reference to the situation of the adjoining country. If the hon. member would look to the date of the alleged transaction, relative to a sale of gunpowder with Ali-Pacha, who was not friendly to the Turks, at least latterly, he would find, that his information was wrong. That sir T. Maitland had maintained the strictest neutrality, was evident from this circumstance, that his conduct drew forth remonstrances and complaints both from the Turks and Greeks. The information which he had given would enable the House to decide whether the measures adopted in the Ionian Islands were measures of aggression, or whether they were not thoroughly justified, and the most humane which could, under the circumstances, have been devised. He felt great responsibility attach to himself on this occasion, and regretted that he had not been prepared to do more justice to the question. Upon the whole view of the subject, he thought the motion unnecessary; and when the House considered all the circumstances, he hoped they would consider the measures now enforced as merely continued, and not introduced by the present government. He would therefore move the previous question on the two first resolutions, which were only assertions; and he trusted the House would agree with him in giving a decided negative to the remainder.

Mr. *John Williams* considered the present question most important as it affected the prosperity of the islands, but more important as it involved the national honour. There was some inconsistency in the argument of the hon. under-secretary. He had charged his hon. friend with having traversed a beaten track—with having furnished no new ground for his motion; and yet the hon. gentleman in the conclusion of his speech had, strange to say, expatiated on the predicament in which he was placed by being brought to the discussion of the subject by surprise. In what manner were these contradictory declarations to be reconciled? But though the hon. gentleman, in a speech of no short duration, had expatiated on many subjects rather inapplicable to the question, he had left the main body of the subject wholly unanswered. Neither on the gross amount of the expenditure incurred in the Ionian Islands, nor on the details of the civil government, the staff, &c. had the hon. gentleman condescended to give any thing in the shape of an answer. The question, then, of expenditure, remained, as stated by his hon. friend, untouched and unshaken. The hon. gentleman had, indeed, given an interpretation to the charter, which its provisions would not bear. These provisions particularly specified, that the whole military expenditure of these islands should be borne by the insular treasury to the amount of 3,000 men; but that the commander-in-chief was, on the existence of a competent necessity, authorized to increase the amount of military force. That arrangement was, however, followed up by another provision, which specified, that the whole military expense should be defrayed out of the general treasury of the island. It was, then, upon the policy pursued at home, as well as in the islands, that his hon. friend rested his position. He complained, and he complained justly, of the expense which was entailed upon this country in opposition to the provisions of the charter, and continued at a time when the extent of the national distresses required every alleviation. But then the hon. gentleman had asked, under what new pressure did the Ionian Islands labour, to render necessary a renewed discussion? The only object of such questions was, to withdraw the House from the immediate subject before it, to a distant consideration of topics altogether immaterial. Of that character was what had

fallen from the hon. gentleman relative to the ecclesiastical arrangements of the islands, the regulations of abbeys and abbesses, when under the control of a gallant military officer. He did not know the peculiar state of the religious impressions of the inhabitants of these islands; but, constituted as human nature was, he must still believe that they must have contemplated with dismay an arrangement, which, if not shocking to their piety, was at least so to their prejudices, and in consequence of which the control over their religion was transferred to a military foreigner, who, however distinguished for feats of arms, had, at least, acquired no honours in the science of divinity. But the hon. gentleman had tauntingly asked, where were the proofs of discontent and disaffection in these islands? Where were the remonstrances? He knew well that on the very character of the oppression practised these rested. There were no remonstrances—there were no fresh complaints, because none dare to complain. Even that consolation to misfortune was denied. Here was a gratuitous assumption to solve the difficulty—the very assumption constituting, as it did, the ground of complaint. Instead of meeting the charge with a refutation, or if undeniable, with a candid admission, the whole of the answer of the hon. gentleman was a *petitio principii*, from beginning to end. But, when the hon. gentleman asked, what new measures had arisen, what peculiar exigency had called now for the discussion, he would answer—many. The hon. gentleman had said, that until the golden era of the arrival of the gallant British general, the Greeks of these islands, notwithstanding their name and parentage, were wholly incapable of enjoying rational liberty: they were, forsooth, so used to military law, that military law was no grievance—they might be skinned, because they had been skinned so frequently before. Martial law had no horrors—it was exercised in a most tolerant manner, as only 50 lashes were inflicted! But the hon. member held forth a speedy relief. There was now a chance of that great boon of British protection to the Ionians, namely the expectancy of a reversionary freedom. Martial law was to cease. Why had it ever been inflicted? It was inflicted, because the Ionians, recollecting the country from which they sprung, and the people with whom they were allied, had felt an interest in that glorious struggle, which their brethren were supporting against their infidel oppressor. It was the unwelcome, the reluctant duty of the gallant Englishman who garrisoned those islands, to be the gaolers of those freemen—freemen he could not call them, but men struggling to be free. Was that no novel effect since the last discussion? Was it no matter of complaint, that England was inflicting martial law on her Ionian protegées, because those protegées naturally connected themselves with the struggles of their Christian countrymen, against the Turks, the infidels of Europe? Was such a policy no new ground for renewing discussion, and repeating our regrets at the lamentable change in our character?

" Pudet hæc opprobria nobis,
" Et dici potuisse; et non potuisse refelli."

Who would have supposed, from our ancient history, that the freemen of England were destined for the avocation of repressing the liberties of struggling nations. Finding that the first statement was admitted, and that no refutation was given to the second, he, with all his heart, gave his support to the motion of his hon. friend.

The previous question, "That the question be now put," was then put and negatived on the two first resolutions. The third resolution was negatived. On the fourth, the House divided: Ayes, 67; Noes, 152.

List of the Minority.

Althorp, lord	Honywood, W. P.
Allen, J. A.	Hamilton, lord A.
Anson, hon. G.	Hutchinson, hon. C. H.
Blake, sir F.	Hurst, R.
Butterworth, J.	Hobhouse, J. C.
Burdett, sir F.	Lennard, T. B.
Brougham, H.	Lemon, sir W.
Bernal, Ralph	Lloyd, sir E.
Baring, Sir T.	Lushington, S.
Boughey, sir J. F.	Milbank, M.
Bury, lord	Maberly, J.
Concannon, Lucius	Martin, John
Crompton, S.	Monck, J. B.
Crespigny, sir W. De	Maxwell, J.
Davies, colonel	Macdonald, J.
Evans, W.	Newman, R. W.
Ebrington, lord	Normanby, lord
Fergusson, sir R. C.	O'Callaghan, J.
Fitzgerald, lord W.	Osborne, lord F.
Gurney, H.	Powlett, hon. W.
Gurney, R. H.	Palmer, C. F.
Grattan, J.	Power, Rd.
Gaskell, B.	Philips, G.
Grenfell, P.	Price, R.
Heron, sir R.	Ricardo, D.

Rumbold, C. E.	Williams, W.
Rickford, W.	Williams, J.
Russell, lord J.	Williams, O. jun.
Robarts, colonel	Williams, sir Rt.
Robinson, sir G.	Wilson, sir R.
Smith, R.	TELLERS.
Scarlett, J.	Hume, J.
Smith, hon. R.	Bennet, hon. H. G.
Sykes, D.	SHUT OUT.
Smith, W.	Guise, sir W.
Whitbread, W. S.	Scott, James.
Wood, alderman	

HOUSE OF COMMONS.

Wednesday, May 15.

TITHES ON POTATOES IN IRELAND.] Mr. *S. Cooper* presented a petition from the high sheriff and land proprietors of Sligo, complaining of a claim recently set up in the county of Connaught to tithe upon potatoes; no such claim having ever before been asserted in that quarter of Ireland. The calamity of which it complained was likely to be a terrible one; and all parties were interested in alleviating it, if possible. A great portion of the disturbances in Ireland might be traced to the imposition of a tithe upon the potatoe; and the attempt to introduce that system into a province not yet afflicted with it, would extend that which now was a partial state of tumult, over the entire face of the country. The dispute, out of which the present petition arose, would have been amicably settled, if the bishop had not set his face against it.

Mr. *Abercromby* thought that the subject must recommend itself to every man of feeling and humanity. He believed that the assertion of the claim complained of would be likely to extend the evil now operating in the south of Ireland. He trusted that the House would refuse to sanction the tithe now asserted, unless compelled to do so by the irresistible force of law; and, if the claim was really founded in law, he hoped that government would instantly interpose between the clergy and the petitioners. The Irish peasant, paying 6*l.* or 7*l.* for his acre of potatoe-land, derived already very slender return for the labour which he bestowed upon it. He was compelled, at any rent, to have the land, for his very means of existence were to come out of it. Neither wisdom, perhaps, nor providence, was the distinguishing feature of his character; but persons more wise, more careful, and more provident, might find themselves embarrassed, when compelled for very life to endure extortion. It was upon his potatoe-garden that the Irish peasant depended absolutely for food. The raiment, wretched as it was, which he bestowed upon himself and upon his family, used to come out of the wheat; but, in the present state of the provision market, that resource was annihilated. The hon. gentleman then adverted to some proceedings which had taken place under the insurrection act of Ireland. In the county of Cork, a boy had been tried for resisting a driving for tithes; when the lad was aware that, at the very moment of seizure, his master was gone to meet the clergyman at the market-town. That same clergyman, in the course of 15 years, had issued no less than 6,000 processes to enforce payment of his tithes. He did not state those facts with any view to prejudice the clergy, but merely for the information of the House.

Sir *J. Newport* looked upon the potatoe-tithe as a dreadful scourge, and firmly believed that those who attempted to inforce it, would have to combat tumult and insurrection. The demand of that tithe was accompanied with circumstances unlike those attending the exaction of any other. The potatoe was the daily food of the peasant. Very early in the season he was frequently compelled to resort to it for subsistence. But, if he took only a part of his early potatoes for the daily sustenance of himself and his family, that taking was in law held a severance, and he was that moment at the mercy of the clergyman or of the lay impropriator. If the House could imagine one half the calamities which the demand of this tithe would cast upon a part of Ireland not yet afflicted by it, it could not for a moment hesitate to interfere. Let compensation, if necessary, be made for the claim; but let it be abandoned, never to be revived. He had no terms to express his abhorrence of that man's conduct who could introduce it.

Mr. *Goulburn* rose to explain some circumstances connected with this petition. He would say nothing as to the general discretion of urging the claim of potatoe tithe at the present moment in the province of Connaught; but much might be said in palliation and in justification of the individual whose act had given rise to the petition. The facts of the case were these. A gentleman in the county of Sligo, who for some years worked a farm of 200 acres, having other lands in the

same parish occupied by under tenants, agreed with the clergyman to pay a compensation of 8*l.* or 10*l.* per annum for the tithes of wool and lambs. In the course of years, this gentleman, thinking it advisable to take a larger portion of his land into his own hands, increased his own farm from 200 acres to 1,000; but he still declared that he would only pay the clergyman the 8*l.* or 10*l.* annually for the wool and lambs. All appeal to the gentleman's candour proving vain, the clergyman was compelled to institute a suit for the recovery of his right; and, very unfortunately, he was advised by his counsel to include the claim for potatoe-tithe for one special purpose; namely, to reimburse himself in the costs to which he would be subjected by process at law, even if his suit were successful. Such a proceeding had naturally excited some alarm; but he appealed to the House whether the clergyman was to blame. The cause, however, did not go at once to issue. The gentleman finding that his refusal was not tenable, offered to pay the wool and lamb tithe. But then, the clergyman naturally said—"I am entitled to the costs you have put me to; give me my costs, I will give up my suit, and I ask no more." The clergyman's claim for costs had been resisted, and therefore the suit for the potatoes continued. Now, if the clergyman had been indiscreet in enforcing such a demand, he had been driven to the measure by the fault of his opponent. But he (Mr. G.) denied that the bishop had in any way recommended the enforcement of the claim. He stated, upon the authority of the bishop himself, that he had been no party either to the institution or to the continuance of the suit. He understood that a negotiation for amicable arrangement was going on between the parties; and he wished to avoid any observations by which the existing differences might be inflamed. Because a clergyman instituted a variety of suits, it did not therefore follow that he should be chargeable with a litigious spirit. Every man who knew the state of Ireland, knew the difficulty which existed in getting tithes at all. The land was generally let at a rent exceeding its value. The leases were so framed with clauses for duties performed and articles furnished, that the landlord had the first opportunity of claiming his due. Then came the clergyman after the land was stripped, to lose his right altogether, or to take process at law as the last hope of obtaining it.

Mr. *Hume* said, that at the request of the right hon. gentleman, he had postponed his motion respecting Irish tithes. He feared, however, that if the matter was left to the gentlemen opposite, the session would pass over without any thing being done in it; and he therefore gave notice that, in the first week of June, he would himself bring the subject fairly before the House.

Mr. *Spring Rice* said, that this was a petition, not from one individual but from the county of Sligo, complaining of the existence of a suit at law tending to establish in that part of Ireland, the potatoe-tithe system, which did not before exist there. From the statement of both sides of the House, they learned that there was a practice in Ireland, of taxing the material article of potatoes betwixt the hand and the lip; that the tithe proctor interposed betwixt the hand and lip of the grower and consumer. They had also learnt that this practice was not universal in that country, and it remained for the House to determine whether it would allow so odious a system to be spread throughout the whole of Ireland. It was not from remissness that himself and his hon. friends had omitted to call the attention of the House to this important subject; but, in fact, they had been waiting in daily expectation of hearing ministers come forward with some proposition on the subject. He assured them that he would rather that the tithe for potatoes was inflicted on the Protestant landlord than on the Catholic population.

Mr. *Denis Browne* thought, that the House must see the necessity of relieving the petitioners. If nothing were done by the legislature on the subject of this petition, he would himself renew the question in some shape or another.

Mr. *Goulburn* said, he had a measure to submit to the House on the subject of the Irish tithe system, which he hoped to be able to bring forward in time to anticipate the motion of the hon. member for Aberdeen.

Mr. *Plunkett* said, he should deal uncandidly with the House, if he did not take that opportunity of stating, that after all the reflexion which he had given this question, he was unable to see his way clearly through all the difficulties which surrounded the subject. With respect to this tithe on potatoes, what might be the

rights of the clergy to it in some districts, and not in others—how to distinguish the one from the other—appeared to him to be no easy task. On the subject of the commutation which had been talked of, he could not see how it could be entertained without infringing upon the general rights of property. If the property of the clergy could be so regulated, why not that of the landlords? Whether any particular remedies could be devised to meet particular evils, he was most anxious to discover; at all events, he thought the House must feel how unsuitable it was, on the presentation of a petition, to embark in a discussion so large and so important. Whether any thing could or could not be done to remedy the evil, was a question well worth their attention; but it was one which ought to be approached with the greatest caution, and legislated upon in the total absence of all angry and vindictive feeling. With respect to the potatoe-tithe to which an hon. gentleman meant to call the attention of the House, he would only ask whether the hon. gentleman had made up his mind to extend that tithe generally under some modifications, in the parts where it was not claimed before, or whether his object was to abolish the claim altogether? It had been said, that the pressure upon the Irish peasantry, had not arisen from a demand for heavy rents, but from tithes. Now there, again, he should not deal fairly with the House, if he did not declare his opinion, that much of the evil arose from the heavy exaction of rent, and not of tithes. If the landlords of Ireland were not prepared to lower their rents, in vain would any relief be sought through a commutation of tithes. The situation of the clergy was in many places peculiarly distressing in Ireland. After the landlord had levied every thing for his rent, the clergyman came in to deal with an insolvent tenant, and had either to give up his claim, or proceed in a hostile manner for his payment.

Sir *N. Colthurst* hoped, that the great question of tithes in Ireland would be submitted to the consideration of parliament. Of one thing he was convinced, namely, that the landlords of Ireland would be found ready to co-operate in any measure which should appear calculated to relieve the people.

Mr. *Dawson* said, that whenever the question of tithes came under the consideration of parliament, it would be found that the clergy had acted with the greatest forbearance and moderation; and, that much of the misery complained of was attributable to the rapacity of landlords.

Mr. *Becher* said, that this description did not apply to the character of the landlords in the south of Ireland. He knew them to be as ready as any set of men could be, to reduce their claims to meet the necessities of the times. He did not complain of the clergy; for they never received their tenth. It was the acts of the tithe-proctor that inflicted oppression upon the people; and the sooner the House investigated the whole question the better. The people of England were not generally aware of the arduous duties which were thrown on the Irish landlords. They were obliged, in their capacity of magistrates, to act the part of police officers for the maintenance of tranquillity; and he knew them in many instances to forego their rents altogether. In the district with which he was immediately connected, the conduct of both clergy and landlords was exemplary.

Sir *H. Parnell* denied, that the distress was imputable to the exaction of the Irish landlords. He would undertake to say, when the compact between the landlord and tenant was fully investigated, that his right hon. friend's observation would be utterly disproved.

Col. *Trench* said, he had heard with regret, that the attorney-general for Ireland, was not prepared to propose such a commutation of tithes as would sustain the just rights of the church, and effect the general tranquillity of the country.

Mr. *Martin*, of Galway, said, he could see no excuse for any clergyman who exacted his tithe in the manner mentioned in the petition. This tithe on potatoe-ground was a great hardship, and the claim was new. The tenant in his bargain with his landlord could always calculate upon the other tithes, and consider them in his terms; but he could not guard against the potatoe-tithe; for of the existence of such a claim he was unapprised when he made his bargain. Certainly there ought to be no tithe on potatoes, where such a claim was not pre-existing.

Colonel *Butler* defended the Irish landlords, and maintained that they did not deserve the imputations which had been cast upon them. Many of them did not get a shilling in rent.

Mr. *Curteis* said, that if a relaxation in tithes was adopted in Ireland, he must put

in the claim of the people of England for an extension of the same indulgence, seeing that they wanted it quite as much.

Mr. *Grattan* denied, that there was any similarity whatever in the condition of the peasantry of the two countries, and protested against the doctrine, that the clergy of Ireland were poor, and the landlords extortioners. On the contrary, the clergy were very rich; and the landlords were every year losing a large share of their property. The collection of tithes was in Ireland the never-ending source of conflict; and the sooner the subject was considered the better. The tithe on potatoes ought unquestionably to be done away with.

Mr. *Hutchinson* also denied, that there was any similarity, as to the question of tithes, between England and Ireland. He had visited different countries, in and out of Europe: he had often seen distressed and oppressed communities; but, in the course of his life, he had never seen any thing half so deplorable, as the distress that now existed in the southern and western parts of Ireland. One grievance was the tithe question; and there were thousands of poor Irish who each held an acre or half an acre in potatoes, and were liable to this intolerable tax. A peasant, with a wife and six children, even if employed every working day in the year, could only hope to obtain potatoes and water for his family—rarely a little milk—and as to animal food, it was totally out of the question. After this scanty and wretched produce of his labour, and after the landlord and the clergyman took their share, nothing hardly remained for clothing or education—no depth of privation could leave a surplus for such purposes. Where in England could such a state of misery be found? He agreed that in looking at the condition of Ireland, no small part of the misery prevailing there might be traced, not only to absentee proprietors, but also to resident holders of land. He was very sorry to hear the right hon. gent. (Mr. Plunkett) hold out so hopeless a prospect of relief; for until this important question was thoroughly examined and settled, there could be no permanent peace or tranquillity in Ireland.

Sir *J. Newport* denied, that all these distresses, and the consequent insurrections, originated in the exactions of the Irish landlords. The great cause of the insubordination which the demand for tithes so frequently called forth, was the system itself. So far back as George 2nd. the legislature had found it necessary to guard the people of Ireland against excessive demands for tithe on articles theretofore not deemed titheable. It was now the duty of the legislature, to prevent the calamities to which the existing state of things must lead. He was the last man in the world, to deprive the clergy of any thing to which they were justly entitled; but he would tell his right hon. friend, that a commutation of tithes implied the abolition of such as had not been clearly and lawfully sanctioned. The great root of the evil was to be traced to the manner in which the tithe system, especially as regarded potatoes, was carried on.

Ordered to lie on the table.

Civil List—Diplomatic Expenditure.] Mr. *Lennard* rose, for the purpose of proposing to the House to appoint a committee to inquire into the Expenses of the Third Class of the Civil List. In considering the subject, his propositions were—that the present time was admitted to be one of overwhelming distress; that economy was called for, with no feeble voice, by every class, from the throne to the peasant; that without the most rigid economy, public credit could not be maintained; it could not, as had been said by Mr. Burke, exist under the arm of necessity; "necessity and credit are natural enemies, and cannot long be reconciled in any situation." This being admitted, it must, he thought, be as easily admitted, that in the different departments of the expenditure of the taxes, there was no one which embraced so much useless expenditure as the civil list. These two positions being admitted, there was no difficulty in arriving at the third—that when economy was demanded imperiously by our distresses, there was no department in which it could be more safely adopted, than in severely searching into this department of the civil list. Since he had first given notice of his motion, a partial reduction had taken place of the private expenditure of his majesty, in his privy purse, his household, and in the salaries of the ambassadors. That reduction had induced him to confine his motion to the reduction of the third class of the civil list, including the expenses of our embassies; and he thought he should have little difficulty in showing, that whatever might once have been thought proper to be expended in state

splendor and pomp, nothing should now be called for, but what absolute necessity required. He must confess he had been grievously disappointed, that the retrenchments should not have been more extensive; he thought he should satisfy the House that much more might have been done, without diminishing the proper dignity of the Crown: or what was so much talked of now, the influence of the Crown. In the observations which he would make, he should take an opportunity of taking a short general view of the funds applicable to the payment of the civil list, and of their application. He would not allow himself for a moment to suppose that it was possible but his majesty's heart must indeed feel deeply for the distresses of his subjects. Indeed, there had not lately been one Speech delivered from the throne, in which his majesty had not declared that he sincerely sympathized with his people. It would be for him (Mr. L.) to show, that the expenses of this department were excessive; and that the main point he had in view was their diminution. It was hardly necessary that he should recall to the recollection of members, his majesty's gracious speech, delivered at the opening of the session, in which he had recommended to that House, in the most decided terms, the adoption of economical measures. He was sorry to say, that that Speech had been followed up, by its very penners coming down to the House, and, in defiance of their own proposition, contending that no practical good would result from the adoption of retrenchments. The country would see by the vote of that night, whether, after the recommendation contained in the Speech from the throne, it was the will and pleasure of those who framed that speech, or his majesty's gracious disposition, so expressed, that was to be the rule by which that House was to be governed. Seeing what were the distresses of the country, every reduction which could be effected, ought to be adopted; and there were many members who were equally surprised with himself, that amongst the many expedients for relief suggested by ministers, and after all their promises of economy, no reduction had been made in the salaries of the great officers of state, and ambassadors, except the trifling one of 10 per cent. Another argument which ought to avail in the consideration of this subject was, that the civil list had been at various times augmented, because the value of money had fallen in this country. It was upon this ground that an augmentation took place in 1804. Mr. Pitt on that occasion said, that "his proposition had for its object the support of that increased expense of the Crown, which arose not from any disposition to prodigality or extravagance, but from that enhancement in all the necessary articles of life which had taken place since the revenue of the civil list was last fixed, and of which every individual in private life must be sensible. The arrangement he proposed had no view to any advance in the quantum of magnificence, or the indulgences which should belong to the royal family, as the only intention was, to enable that illustrious family to maintain the rank, which, according to the grant of 1786, it was admitted they ought to hold."* Now, he should contend, that the great alteration which had, within the last three or four years, occurred in the value of money, although it might not essentially affect the salaries of our ambassadors abroad, did essentially affect our means of paying those salaries. He took the implied condition of this, and of every other public grant to be, that such salaries were not to be paid, it they were likely to reduce to beggary and distress, many of those classes by whom the means of payment were to be furnished. It must be very plain to all who heard him, that the taxes out of which those means were to be provided, many classes were now no longer able to pay. They had ceased to be rich. The question, therefore, was, not merely what it was fitting that the Crown should pay to its ambassadors abroad, but what it was possible for us to pay? But, independently of that powerful argument, the necessity of the case, there was still another reason why this class of the civil list should be reduced. Many gentlemen would concur with him in thinking, that the vast expenses incurred by this class were in no way conducive to the proper representation of the sovereign, or to the advancement or distinction of any body else; but that they were merely a means by which ministers were enabled to purchase those venal services, which otherwise they would be unable to procure. He might, possibly, be met with the argument, that compared to the total of expense, the savings he should propose

* See First Series, v. 2, p. 909.

would be but as a drop of water in the ocean—that they would come within that description of savings of which the chancellor of the exchequer had said that they could effect no real relief to the people. But, he would say, that the moral effect of adopting them would be beneficial to the country, by giving the people reason to believe that there was some sincerity in those professions of sympathy for their sufferings which the House had so repeatedly made. It was not requisite that he should go into the details of the several branches of the civil list: but he would observe, that at different periods that list had been augmented in three different ways —by progressive advances; by being relieved at different times from charges to the amount of 3 or 400,000*l.*; and by the suppression of several offices. He would allude briefly to the first class, in which there had been a reduction of 10 per cent. But it was necessary to bear in mind that besides what here appeared to be received by the Crown, it possessed other large sources of revenue in the Duchies of Cornwall and Lancaster, and in the droits of Admiralty. All ought, in his opinion, to be put under one head, that it might be known what was applicable to the private and personal expenses of the sovereign. As to the second class, containing the bills of the royal household, no man could take the most cursory glance at it without being convinced that it was utterly impossible to expend the money charged under that head, unless it was wasted in perquisites of office, or applied in the most gross and infamous manner. The pension list ought also to be essentially reduced. However fit the selection in some cases might be, it could not be denied that there were many persons in it not of that class of life to make it necessary that they should continue to take such large sums from the pockets of the people.—He now came to the third class. It was most fertile in expense, and he hoped to persuade the House, that very great reductions might be made in it, without lowering the dignity or importance of the country in the eyes of foreign nations. Independently of the ambassadors at the great courts of Europe, there were a variety of charges for second and even for third rate courts, which could only be viewed as poor dependents and satellites on the grand holy alliance. Where formerly there was only a charge d'affaires, there was now an envoy extraordinary, at the cost of about twenty times the sum originally paid. The mission to Switzerland was a most striking instance in point. That appointment was one of a recent and peculiar character, and it was impossible it should escape the vigilance of parliament. If he succeeded in his motion for a committee, he hoped to be able to show that that extravagant charge was unnecessary. In proportion as Switzerland had fallen in the scale of Europe, had the emoluments of the ambassador been increased, until they were actually twenty times the amount formerly paid [Hear.] This job had most properly been made the object of a separate motion. On this account he would studiously avoid further remarks upon it. It was so odious in itself, that he wished to disclaim such a reference to it in his proposition: it was an anomaly even among the many unwarrantable transactions regarding foreign missions disclosed by the papers upon the table. If, therefore, he could not lay sufficient ground for his motion, without including the appointment to Switzerland, he was willing to relinquish it altogether.—His objections to the third class of the civil list were various. He first looked at the establishments of this kind in 1792, and compared them with the amount charged for them upon the public in 1822, taking into consideration the state of the country at each period, the price of different articles, and the rank Great Britain then held among the states of Europe. He found that since 1792 the grand total of expense had been augmented to 150,000*l.* Merely the salaries of ambassadors, putting out of view extraordinary missions the emoluments of secretaries, and other items, increasing from year to year, had been augmented 60,000*l.* Was it that the country could now better afford to pay these extravagant demands? He had yet to learn that the rank of this country in Europe was higher now than in 1792. The truth was, that charges d'affaires were not suited to the present extravagant scale of expense, and what was formerly known by the economical term of a resident was now wholly unknown. Notwithstanding the new-fangled doctrines on the alterations recently made in the kingdoms of Europe, the noble marquis would find it difficult to persuade the House that in the impotent states of Italy, groaning under the iron sway of Austria, it was necessary to maintain an ambassador.

Comparing 1792 with the present period it would be found that all the minor states of the continent were made dependent upon one or other of the members of the grand quintuple alliance. Nevertheless the most costly embassies were kept up at these inferior courts. In 1792, the whole expense of ambassadors in Italy was 9,000*l.*, yet now it approached to 14,000*l.* In 1792 the embassy to the United States of America cost 3,670*l.*, it was now 7,426*l.* The British minister there was paid 6,000*l.*; and this fact was most remarkable, since it was actually more by 500*l.* a year than the salary allowed to the president. The only pretence for paying so largely in Europe was, that our ministers might live upon a scale suited to the court in which they resided; but in America our ambassador enjoyed an allowance beyond the salary of the chief magistrate of the republic. With reference to the increase in the grand total of 150,000*l.*, it might be said, perhaps, that we had now ambassadors at certain courts where there were none in 1792. The envoy to Turin received 2,000*l.* a year; to the German Diet, 6,500*l.* a year; and to the Brazils 6,000*l.* a year. In 1792, however, and he mentioned it with pain and grief, Great Britain had an ambassador at Venice and in Poland, before that fine country was devoured by the detestable policy of Russia and Germany. In 1794, we had an ambassador also at Genoa at a very considerable expense. He mentioned these facts as an answer to the assertion that might be made, that we had more ambassadors now than at any former period. It was impossible to look at this ascending series of expense without supposing from thence that the situation of the kingdom must have been greatly improved—that its means of paying were increased, or that its interests were insufficiently guarded abroad in 1792. If such were not the case, ministers were in this dilemma—either our ambassadors in 1792 were inadequately rewarded, or they were paid too extravagantly in 1822.—There was another point well worthy of attention. He had alluded to the increase in the amount of pensions; and the country had been told in 1812, that it might anticipate a great diminution in this branch of the expenditure by retired ministers being sent out on active employments, and their pensions thus saved. The year 1815 had been well called the *annus mirabilis* of expense, and the pensions were then 49,000*l.* At the present moment they had risen to 51,000. As to our ambassadors at the greater courts, he was quite willing that they should be attended by all due splendor; but he did not think that this kingdom would gain much in the estimation of foreign powers, by seeing its ambassadors on a scale of the utmost extravagance, while every post brought advices of new and augmented distresses at home. There was not a single instance of an ambassador whose salary since 1792 had not been most enormously increased: some had been doubled, some trebled, and in Russia it had been even quadrupled. In addition to their salaries, there were the heavy expenses of outfit, allowances for secretaries, messengers, chaplains, private secretary, general secretary, and a vast accumulation of charge. They were paid, too, without the slightest deduction: they were studiously guarded against losses by the exchanges, which sometimes were made to amount to 30 per cent; and it was not a little curious, that though in every case of loss the country was made to pay to the uttermost farthing, there was not a single instance of any ambassador making a deduction from his emoluments because the exchange had been in our favour. He was not one who thought that, even in France, it was necessary to maintain a large establishment for the entertainment of English travellers. In this respect, perhaps, an exception might be made in favour of sir Charles Stewart, at Paris, who was visited by so many English. The country at large, however, was not deeply interested in the number of dinners he gave, or in the magnificence of his *entrées*, excepting as far as it was required to pay for them. But admitting the case of sir C. Stewart to be peculiar, was it necessary to keep an ambassador at the same expense in Russia? If both must be alike, he should be disposed rather to reduce the embassy to Paris to what that of Russia ought to be, than to raise that of Russia to the extravagant scale of the French mission. In considering this subject, it was impossible not to turn the eye to the practice of the United States; and, with all regard to our rank in Europe, he could not help hoping that ere long ministers would see the necessity of imitating the wise and economical policy of that great and flourishing republic. The people of this country had long shown what

the noble marquis had once termed "an ignorant impatience of taxation;" and that impatience should compel him, under the existing distresses, to listen to and adopt plans of effectual economy. He trusted he should not be told, that it was necessary to maintain these establishments for the purpose of supporting the just influence of the Crown. Vast sources of patronage were in the hands of ministers. They had the army, the navy, the church, India, and the colonies, and here they might adequately provide for their friends and supporters. That argument had very recently been used and had failed; and if it should again be employed to-night, he trusted the House would again show its sense of its unconstitutional nature. It might be said, that a compact had been made with the Crown, and that that compact could not now be altered. Such a reply could have no application to this third class of the civil list. It hardly applied to the other classes. Such an agreement to be binding must be reciprocal; and the king on his part must take the evil with the good. Yet, had not a demand been over and over again made to parliament to pay the debts of the civil list; and had they been paid without reference to the finances of the country, or to the poverty of the people? He would not trouble the House further than by submitting his motion, trusting, that he had said enough to show that great reductions ought without delay to be made in the civil list, but especially in the third class. The charge was much heavier than the station of the country required, or than the poverty of the people could pay. He then moved, "That a committee be appointed to take into consideration the Expenses of the Third Class of the Civil List, and to report their opinion as to whether any and what savings may be made in the expenses of that class, with a view that any such savings may be carried to the account of the consolidated fund, according to the provision of the 56th Geo. III., c. 46, sec. 5."

The Marquis of *Londonderry* said, that in giving, as he felt himself bound to do, a negative to the motion, he should offer as shortly as he could the explanations which made it necessary for him to give that vote. He regretted that while the hon. member had confined his motion to the third class, he had entered into a general censure of the administration of his majesty's civil list revenue, as to which, by a singular mode of arriving at a conclusion, the hon. member seemed to take it for granted, that a general conviction of want of economy existed. Now he would take directly the contrary position, and say, that there was not a department of the state managed with more regularity or greater attention to economy. The hon. member had very properly alluded to his majesty's munificent sacrifice of a portion of his revenue; which his majesty, feeling, as the hon. member had stated it, the distress of the country, had made. But the hon. member was in error if he supposed that that sacrifice was made without placing under considerable difficulties the administration of the civil list, or without rendering the strictest economy scarcely sufficient to keep the expenditure within the prescribed limits. As to the third class, the hon. member had taken a distinction; and whereas he had admitted that on the other branches of the civil list no reduction could be attempted by the House, without a message from the Crown, yet as to the third class, he maintained it was competent for the House to make any reduction they might think proper. Now, he (lord L.) admitted the distinction to a certain extent; but in order to shew how far it was admissible, it was necessary that he should explain the nature of the contract between parliament and the Crown. The inconvenience which had been formerly felt as to the arrangement of the civil list was, that the civil list, with a fixed revenue, had been made to comprehend such a variety of expenditure, so uncertain and fluctuating in its amount, that the revenue was rather taken as equal to the *minimum* of expenditure than to the fair average: there was consequently a general disposition in the expenditure to exceed the income. But if the hon. member examined the working of the bargain in the long reign of the last king, comparing the amount of the civil list expenditure with the produce, not merely of the hereditary revenues, but of the taxes which parliament had been accustomed to grant in aid of the hereditary revenues of the sovereign, it would be found, that the country had gained many millions beyond the debts on the civil list which parliament had paid. In the late arrangement it was deemed desirable by parliament to confine the contract with the Crown to articles so far fixed in their nature, that the expenditure could, with a reasonable certainty, be calculated. On the other

branches it was deemed fit that the expenditure should be annually submitted to the control of parliament, in the ordinary way of estimates and votes. The same principle of distinction was carried into the third class itself. Those heads were distinguished on which a reasonable average could be framed, and a fixed sum was voted to meet them, while the two others were to be provided for from year to year. Three out of five heads of expenditure, were deemed sufficiently fixed in their amount, to admit of a permanent provision; while the two others were deemed so fluctuating, that while an estimate was presented of their probable amount, they could not form a part of the permanent bargain with the sovereign. The salaries for foreign ministers, the salaries of consuls, and the pensions, were capable of being fixed on the average of years. The extraordinaries and the outfit, including presents, could not be fixed, though an estimate of their probable amount had been presented, viz. 50,000*l.* for extraordinaries, 10,000*l.* for outfit, and 15,000*l.* for presents. The salaries of foreign ministers, including house rent, had been taken at an average of 144,000*l.*

Now, in the motion which the hon. gentleman had made, he of course only could have intended to subject to a committee up stairs those parts of the expenditure which did not annually come under the view of parliament; for nothing could be less rational than to subject to a committee a branch of expenditure which yearly, in its minutest details, was examined by the House. No doubt, the hon. member for Aberdeen would deem it a great improvement that the expenditure, army, navy, ordnance and all, should be submitted to committees upstairs [Hear!]; but so long as this government remained a monarchy, he trusted the House would not, after the model of the Cortes, which was said to work so well, deliver over the whole executive power to committees above stairs. It was wisely provided by parliament, that the saving of the three heads which had been fixed, when any were made, should be carried to the consolidated fund. He was prepared to contend that this class of expenditure stood in the same position, as the other branches of the civil list; with this exception, that whatever savings were made under these three heads belonged to the public, and were subject to the control of parliament. But to suppose that an intention ever existed to submit to that House, or to a committee of that House, the necessity of sending envoys to particular places—to imagine that it was ever meant that the House of Commons should consider of, and decide on, the propriety of despatching a mission to this state, or the policy of sending one to that, was contrary to all precedent and practice. Was it ever intended that they should declare whether a mission should be of a higher or a lower rank—whether it should be sent to a great court or a small one—whether missions were or were not admissible to minor states? Was the committee now moved for to take upon itself the functions of the executive government, and to call upon the secretary of state for his attendance to discuss and explain all sorts of questions respecting the connexion of this country with foreign powers? He would ask of the House, how it was possible for them to agree to such a motion, unless they meant to open the door to an inquiry of this nature? Could his sense of duty, or his oath of office, allow a secretary of state, without the express sanction of his majesty, to give such information? He never knew an instance in which parliament did not run before the ministers of the Crown, when asked questions of this description, to forbid the disclosure. Indeed, he never recollected an instance when such a preposterous demand was made. But he demanded where that cabinet was to be found, which would advise his majesty to send his ministers to a committee up stairs, to explain all the foreign policy, to detail all the foreign relations, of the country? If such a monstrous principle were adopted, it would be better at once to withdraw all our embassies from the continent. Nothing could be more dangerous than a disclosure of all the circumstances connected with the foreign policy of the country: nothing was more likely to disturb the peace of governments, than to have secrets of great moment to the welfare of the state, brought forward to gratify the curiosity of any member of such a committee. If a mission were suspended for a certain time, doubtless an inquiry would be made what the reason of that suspension was, and whether it was an adequate one; and if the suspension lasted for six weeks, ministers would be called on to state why it should not continue for six years. In short, all the questions of war and peace, would be decided by gentlemen sitting in

an executive committee up stairs. And if they had an executive committee this year, they would, he supposed, have a committee of public safety the next. [Hear!]

Much of the discussion which had taken place on subjects of this nature seemed to be introduced for the purpose of preparing their minds for the adoption of the principle on which the government of the United States of America acted, with respect to their missions. But he protested against the application of that principle, to a government which was essentially different from that of the United States. He would contend, that those who were constantly introducing those topics, were endeavouring gradually to prepare the moral feeling and political sentiments of the country for the adoption of that principle to which he had alluded. Profiting by the present moment of distress, they were endeavouring to create a belief that this country was brought to such a state of poverty, that we were obliged to abandon all those great principles of policy—all those exalted sentiments of dignity—all those proud marks of distinction, which heretofore characterized the monarchy of England; and, instead of adhering to these, that we were compelled to show ourselves on the continent *in forma pauperis*, without those indications of greatness that were worthy of a commanding nation. He perfectly admitted, that whatever savings were made in this class, it was the right and duty of parliament to examine them, and to take care that they were justly appropriated. But he must at the same time contend, that there was a preclusion, which forbad their travelling into the reasons which induced the expenditure of the sums charged in the estimate for this service. If there were any one service which parliament should refrain from investigating with too minute an eye, it was this express service, on account of its peculiar character, embracing as it did circumstances that could not be divulged without manifest danger. But, above all others, this branch of the public service was the least fitted for the examination of a committee. If there were any necessity for such a discretion as parliament gave to the Crown with respect to the civil list, surely this was the portion of that list which more than any other demanded it. Feelings of personal delicacy towards the sovereign might operate against a scrutiny of the civil list generally, as it related to the domestic concerns of the monarch, and the House had been sufficiently disgusted when the subject was formerly introduced; but, in this case, a sense of danger operated: the question was not of a private nature, it was of vital importance to the state; and he would say, that if this inquiry into the diplomacy of the country were allowed, the foreign relations of the country could not go on for a single day. He was not disposed to shrink from a fair investigation of what had been intrusted to his majesty's government, and of the spirit in which the powers placed in their hands with reference to this question had been administered; and he would add, that he would be bound by as strict and fair a system of economy as belonged to the circumstances of the times. Even if the expenditure of the civil list came under general observation, he trusted that ministers would show to parliament that nothing unfair or improvident could be laid to their charge. He believed he could prove to the House, that economy in this particular branch of the civil list had been constantly kept in view by ministers; and he could assure the House, that they would not lose sight of the reduction of expense, always, however, duly considering what the public service demanded.

The hon. member had said, there was a perpetual increase of the civil list—decrease, he asserted, there was none. In stating this, the hon. member had not displayed much research. This class might be divided under three heads—pensions, consular salaries, and salaries and extraordinaries connected with foreign ministers. The hon. member had stated, that the pension list was 52,000*l.* this year, which was as high as it had been for a considerable period; and he could not not discover any diminution that had taken place in this charge since the war. In the first place, the hon. member was not quite accurate in stating the amount of the pension list at the close of the war. In 1815, it amounted to 58,413*l.*; in 1816, to 56,673*l.* The last war was, *sui generis*—it was of a peculiar character—it had lasted above 20 years. Of course, ministers, who were advanced in life when the war broke out, could not fairly be expected to go abroad, and undertake active public service at the conclusion of peace. It was, he knew, of late, very common to quote the names of individuals,

and to argue from their names as to their fitness or unfitness to hold particular situations. Now, he called on gentlemen to look at the list which lay on the table, and to say, whether it afforded any fair presumption, that an improper patronage was exercised, when the individuals there mentioned were placed on that list. With respect to consuls, he was unwilling to occupy the time of the House on that subject, because it was at present under the consideration of the board of trade. He would, therefore, come at once to that which appeared to him to be the gist of the motion; namely, the salaries of foreign ministers, the rank of the different missions, the general scale of expenditure, and how far it was justifiable. The hon. member had treated lightly the reduction of 10 per cent, which had been made in the salaries of foreign ministers; but if he were to read to the hon. member the letters he had received from individuals who were abroad in diplomatic capacities, he would see that that deduction of 10 per cent, was not so mere a trifle as he seemed to suppose. Those who wished to bring the government of this country to adopt the policy of the United States, would, he knew, find no difficulty in disposing of this question; but men who took a just view of the dignity of their country were not quite so easily satisfied. The salaries of our foreign ministers, according to their various ranks, had undergone no alteration from the reign of queen Anne down to 1804. In 1804, an estimate was laid before parliament; but the limited increase which then took place left so many charges in the nature of extraordinaries, as rendered a revision of the system necessary. An arrangement was made for paying those extraordinaries; but they had swelled to such an enormous amount, as struck every person who considered the subject with the necessity of introducing a salutary economy. It was quite clear, that if extraordinaries were not paid, many individuals, who were actively employed in the service of their country, would be ruined in their private affairs. It was, therefore, considered the best system of economy that could be adopted, to give to our ministers more liberal salaries, but to withhold any allowance for extraordinaries, except the ground of claim was of a peculiarly equitable nature. It was agreed to allow them larger salaries; but extraordinaries were not to be granted, except in five or six instances. Acting on this principle, the parliament of 1815 took up the subject, and recommended a certain scale of salaries. The scale then proposed was considerably larger than that which now existed. Putting the house-rent aside for the present moment, the salaries of 1815 were 151,650*l.*, whereas the estimate of 1816 was 135,000*l.*, making a saving of 16,650*l.* An event took place at that period, which certainly added to the salary. He alluded to the repeal of the property tax, in 1815. This measure gave them a nett income, and relieved them from the necessity of paying very large charges out of a narrow salary. They, however, would not now stand in the same situation, since 10 per cent would be deducted from the salaries of foreign ministers; and he could assure the hon. member, that the effect of that reduction would be most serious to those gentlemen who had no private and exclusive funds of their own. The duty of 10 per cent on the salaries of foreign ministers would, in this year, produce a saving of 14,700*l.*, which, added to the reduction of 16,650*l.*, on the estimate of 1815, as compared with that of 1816, would give a saving of upwards of 31,000*l.* in the present year over 1815. After this, he did not think it was very fair in the hon. member to say that no reduction had been made in the civil list.—But this was not the only saving which ministers had made. A very large reduction had taken place in the extraordinaries. When the three branches of the civil list were last before the House, the extraordinaries were taken at 50,000*l.*: by a very close attention to this branch of the expenditure it was reduced to 27,000*l.*: consequently a saving of 23,000*l.* had been made in the extraordinaries. In the arrangement of 1815, the expense of consuls was estimated at 40,000*l.*; in 1816, it was reduced to 30,000*l.*, being a saving as compared with 1815, of 10,000*l.* In the present year, a very small saving had been made under this head, but circumstances had rendered it unnecessary to employ a greater number of consuls than we formerly did. If they added together the preceding sums, it would give a total reduction of upwards of 64,000*l.* in the expense of a department which the hon. member alleged was always on the increase, and never on the decrease.

He hoped he had said enough to show that there was not such a lavish expenditure as the hon. member had stated—such

an expenditure as called on them to break the solemn contract that had been entered into with the Crown. He was sure the hon. member must bring forward a better case than that which he had offered, before he could induce the House to break the faith of parliament with the monarch. He never could consent to lower, in the eyes of the world, the foreign service of the country; nor could he agree with the gentlemen opposite (or rather with some of them, for he believed they did not all approve of the measure), in the propriety of assimilating our practice to that of the United States. He could not approve of a committee which was to investigate all the foreign relations of the country. He could not advise his majesty to send his ministers for examination before such a body. If such a system were ever countenanced, he hoped his majesty would secure a set of ministers ready to act under the control of the gentlemen opposite, or to walk in the leading-strings of a committee above stairs. If such a principle were adopted, it would, he repeated, be high time for his majesty to look out for another set of ministers. [Cheers.] He would as far he was concerned, save the Crown and the House from the distress to which such a system must inevitably give rise; and he would also save the committee from the grave constitutional responsibility which they must necessarily incur. But, though he never would consent to explain any part of this subject to gentlemen above stairs, he felt no unwillingness to give every explanation, consistently with his duty, to gentlemen below stairs.

The hon. member had asked how it happened that there were so many missions, and why their appointments were so expensive? It was rather late in the day for that question. It would have been better had those points been considered when the subject of our foreign alliances was before the House—before this country had entered into bargains which could not now be got rid of. He would, however, contend, that the most economical arrangements had been made, under all the circumstances of the time and of the country. With respect to the number of missions, he denied that there was any thing that entitled the hon. member to question the policy on which the government had acted. Taking that *annus mirabilis* of comparison, the year 1792, the hon. member proceeded to argue, that the country at that time was satisfied with diplomatists of lower rank than were now employed, but that, instead of plenipotentiaries, envoys, and *chargé d'affaires*, ambassadors were now sent to different courts. It did so happen, however, that with the single addition of one court, this country had not at the present day a greater number of ministers of high rank abroad than were employed in 1792. Let the House look to the missions that stood on the scale of ambassadorial allowances in 1793. These were France, Spain, Holland, and Constantinople. In 1822, there was an ambassador at the court of France, but there was not an ambassador at the court of Spain. This showed that it was not necessary to form a committee for the purpose of inducing the Crown to modify our diplomatic proceedings according to circumstances. Gentlemen opposite might say that this was done because Spain had set us the example. But they must have their committee, they must be acquainted with the facts, they must have all the necessary information before he could allow that their opinion was worth asking or hearing on this point. There were, then, ambassadors to France, Holland, Constantinople, Russia, and Austria. Surely the hon. gentleman must see the necessity of sending ambassadors to those powers who had assisted England in bringing the war to a glorious conclusion, and who with England formed the safeguard of Europe—the quintuple alliance. [Hear, hear! from the Opposition, and a laugh.] Could gentlemen see nothing in the change of circumstances which explained and enforced the necessity of sending an ambassador to Russia and to Austria? He should wish to know whether Russia had not taken a very different situation from that which she formerly maintained? [Cheering from the Opposition benches.] He understood the meaning of the gentlemen opposite, but their opinion on this point must be taken, *cum grano salis*. It was hardly fair to argue with them on the question of Russia, as their minds were not merely tinctured, but were wholly impressed, with the idea of an anti-holy-alliance, under the influence of that power.—To return to the immediate point under consideration. There was, at present, it appeared, but one new minister, and that minister was accredited to a royal court, which accounted for it. With respect to ministers plenipotentiary, the

number of that class of diplomatists varied very little from the scale of 1792. In the first place, he would mention the plenipotentiary to America; and certainly there was no country in the world with which it was more important for this country to live on terms of amity and mutual good feeling. There were also ministers plenipotentiary to Prussia, the two Sicilies, Sweden, Bavaria (which had grown up to be a power of great importance to England, and was, in size, fourfold the extent which she formerly was), Wirtemberg, and Sardinia; at all of these courts, with the exception of Wirtemberg, England had ministers plenipotentiary, in 1792, and nearly on the same scale as at the present day. Tuscany, Saxony, and Switzerland, were visited by envoys extraordinary. He had formerly urged the necessity of sending a plenipotentiary to the Hans Towns; but, as the individual, who was then a *charge d'affaires*, was a clever and respectable man, it was thought better to make an addition to his salary, which was originally 500*l.* a year, and to engage him to perform the duties which were usually executed by a plenipotentiary. It therefore appeared, that with very little exception, the number of our foreign ministers at present and in 1792 was the same. And here the hon. member had fallen into an error very natural to him upon this subject, not knowing the peculiar circumstances of many of the missions. The hon. member had stated that the expenses had been increased to 60,000*l.* instead of to 50,000*l.* A part of the expense of our mission to Constantinople had formerly been paid, not by the Crown, but by the Levant Company, and had been in fact the produce of a sale of protections. This was now paid by the Crown, and amounted to 10,000*l.* a year, which had formerly been levied by the public. Therefore they must reason upon the sum not as 60,000*l.*, as the hon. member had represented it, but as 50,000*l.*

He would now proceed to examine and explain each class; and the House would judge whether the present establishments were such as this country ought to maintain or not. The six higher missions were in 1793, 50,360*l.* The corresponding missions in the year 1822 were, including the change of rank, 74,000*l.*, making an increase of 23,640*l.* This increase gave one-fourth more of salary on an average to the great diplomatic officers, and added about one-sixth to the whole expense. Nine minor missions, including Wirtemberg, in 1793, were 6,295*l.*, and in 1822, 29,000*l.*; making an increase of 22,705*l.* Now in Italy, on which great expenses were supposed to be thrown away by maintaining a minister at Tuscany, he could inform the House, that in 1793, the salary for that mission had been 3,600*l.*, and was now only 3,900*l.*; so that in fact, after deducting 20 per cent, it was 60*l.* less than in 1792. But why have a minister at Tuscany, it was asked—Why have a minister at Saxony? Why have a minister at Wirtemburg? It was pretty strong proof that it was necessary to have a minister at Tuscany, that we had never been without a minister there. It was not, too, a very mean argument to prove the propriety of having a minister there, though it might not be intelligible to gentlemen on the other side, that every other power had a minister in Tuscany. Spain, Portugal, and powers who could not be imagined to have any communication with that place, were there represented, as this country had always been. It was a perfectly sufficient proof that our minister was not there merely for idle purposes, that all other powers who wished to know what was doing in the world of which they formed a part were there represented. But it was a fact, that hardly any diplomatic circle was more full than the court of the grand duke of Tuscany. He now came to a mission which the hon. gentleman had dwelt upon with particular pressure, and which was to form the subject of particular discussion. He looked forward to the debate of to-morrow evening without any alarm, and he had no doubt the hope of the hon. member would prove as illusory as many similar hopes entertained on his side; they only required the breath of a little discussion to destroy them. With respect to what the hon. gentleman had said of the unimportance of Switzerland, the whole policy of this government at all times denied his doctrine. We had respected Switzerland from a moral feeling, as well as from a political one; for we had always admired that innocent and brave people for their conduct upon every trying occasion. They had resisted all attacks upon their country, and particularly that of France, with exemplary determination. But, independently of this moral obligation, it had always been the policy of this country to send a representative to the Swiss Can-

tons. With the exception of two instances, we always had a minister there. One of those instances was very surprising, and he was quite unable to explain it. The other was the period of the last war, when the states of Switzerland were occupied in war, and our missions were itinerant and changed with the circumstances. This, with the other very limited exception, to which he would advert, was the only time when there was not a mission from this country in Switzerland. From 1750 to 1793, there had been four ministers plenipotentiary. There had been a gentleman there — what diplomatic crimes he had committed, he was not wise enough to discover—a Mr. Braun who had but 250*l*. a-year. Unless they were to abandon the whole stream of general policy, they must support this mission so far as our ancestors had done. Switzerland was the great intervening country between Italy, France, and Germany, and was exposed to be disturbed by any disturbance in those countries. It was the key stone which held them all together. It had, therefore, been particularly attended to by the congress at Vienna. After the confederacy of Buonaparte had been destroyed, it became a subject of anxious consideration how to estabish the relations which had been involved in it, consistently with the liberty, security, and happiness of Europe. It was agreed that Switzerland should have ministers accredited by all the great powers, and it was a distinct understanding, that they should accredit their ministers to that country, with the express desire of sustaining and completing the arrangement which had occupied so much of their time. It formed no small proof of the importance attached to the preservation of the neutrality of Switzerland, and by that means the tranquillity of Europe, that persons of the highest consideration and importance had been appointed to that mission. The secretary of state of Russia, count Capo D'Istria, was now minister in that country. Though he held the highest station in the government of Russia, yet he was now delivering his credentials for that mission. There, too, the nephew of prince Talleyrand had been minister. These facts he mentioned, because they proved that the great powers of Europe watched anxiously over the policy of the Cantons of Switzerland. Why, Spain, with all her economy, had a minister there, Portugal had a minister there. There was a feeling in every country to hold that important connexion with Switzerland, and if that feeling should not be supported in this country, our best feelings must be dissolved, and we must be prepared to see it inquired who would go abroad with the least salary. He was astonished at the calumnies, insinuated for party purposes, he must say, and representing that the salary had been augmented for the advantage of a particular individual; or that the office was revived with the view of reconciling political differences. These insinuations were all founded on misapprehension or falsehood. They contained not a particle of truth. Mr. Stratford Canning, when he quitted that mission, had had direction from the king to give assurance, that no time would be lost in sending a person of superior rank to occupy the same place. He dared to say that the hon. gentleman would wish to hear all the anecdotes which would explain the cause of the interval in sending a successor to Mr. Canning. He (lord L.) could indulge the appetite of the hon. gentleman, if he were not afraid that this appetite would grow with indulgence. If the hon. member were to ask him twenty questions, he was prepared to answer them. A gentleman was immediately sent as secretary of legation, and was soon succeeded by Mr. Disbrowe, who repaired at once as chargé d'affaires. Thus he had destroyed the beautiful illusion which had so much pleased the hon. member, and which had persuaded him that the mission had been revived for a politcial purpose. Another insinuation had been, that the salary had been increased for the indulgence of the person who was appointed. Now the salary stood the same as with Mr. Wynn's predecessor, with a difference of 10 per cent less against Mr. Wynn. Mr. Wynn had indeed a pension, but the arrangement could not be more advantageous for the public, than by selecting one who had a pension. Not that he (lord L.) held himself bound always to select persons having pensions; but how could a selection be more acceptable, than that of a person of family, rank, and consideration? How could the arrangement be more economical, than by selecting such a person, having previously a pension? The salary was 3,900*l*., from which the pension of 1,500*l*. as well as the 10 per cent were to be deducted, and it was thus cut down considerably; though certainly not so low as the salary of Mr. Braun.

He would now give the fair grounds of the increase of expense for missions. Although the obligation to continue that increase might be evaded by granting a commission of inquiry, yet he should ill discharge his duty to the king and to the country, if he did not consider the arrangement as a final engagement between parliament and the missions, and that there was great propriety in adhering to it as an economical and just arrangement. It had the recommendation of having entirely removed the chapter of extraordinaries from this department. The increase was about 50 per cent on the scale of the missions. How that was expended he would now state. It had on former occasions been admitted on the other side, that the scale had been infinitely too low for the various demands to which missions were exposed. We were acquainted with the growth of expenses in this country. Since the last two or three years expenses had fallen lower, but had they returned to the level of 1792? or could we have the same articles for double the expense? He put it to gentlemen who had been abroad, whether the growth of expenses on the continent had not increased more largely and more rapidly than in this country. Those expenses had very greatly increased by the increase of our own incomes. We carried with us habits of profusion, which added much to the expense of our missions. The number of our countrymen abroad was so great, that we formed a great part of the population at Brussels and other places. With the true spirit of a modern stoic, the hon. member asked, why should English gentlemen be received by the ambassadors? But he (lord L.) doubted whether the hon. member, if on the continent, would not hold the obligation rather high. But instead of giving a degraded hospitality to the crowds of countrymen who might invade it, it was for the credit of the country that they should exercise their hospitality with a dignity suited to their station. Another cause of increased expense was occasioned by the mode in which business was now conducted. There was a regulation which charged ministers with certain expenses when they were absent for their private convenience. Formerly, they could enjoy all their emoluments when absent, and the officers who supplied their place were paid by the public. Now, it was not so. A secretary of embassy or of legation, according to the degree of the minister, was required to conduct the business, and receive 5*l*. a-day from his absent principal, if a minister plenipotentiary, and 3*l*. if a secretary of legation. This was found a counteracting motive, and often prevented ministers from desiring leave of absence where there was not a particular reason for it. The hon. member had asked, what had this country to do with the continent, or with the holy alliance? He would answer, that we had more connexion with the existing governments of Europe than at any former period, and particularly with those through whom we looked for the preservation of peace. The scale of business had increased tenfold, too; and this increase was very much growing out of those relations which now connected the several nations. There were arrangements established, by which the views and course of each nation were communicated to others fully and without reserve. It was their pride that no secret or indirect views were cherished and prosecuted by any one power. This state of things created a mass of business which it was quite impossible to conduct in the foreign offices as formerly. Formerly, the minister or his secretary, with his own manual labour, transacted all the business: but at this moment, if he did not employ four or five persons in the office, it was quite impossible to perform the business of the department. This produced a considerable benefit, and it taught a great portion of the diplomatic experience and skill which distinguished the present class of diplomatists. He might be partial to those with whom he was so much connected—he might feel the influence of gratitude for the services of those who corresponded with him in his official duties—but he did not believe that at any former period so great a mass of talent had been employed in this service. In the offices of the various ambassadors there were, he believed, no less than twenty-one young men of rank, education, and talent, who were serving without fee or reward. They were improving themselves, and qualifying themselves, for the more eminent duties; and all that they received in return the privilege of living in the ambassador's house. This occasioned a great increased charge to the several ambassadors; but he trusted the House would not think that this was a waste of the public money, especially as it was to be borne in mind that the secrets of the offices were of the most important nature, and could not be

safely entrusted to any but those who, from their situation in society, were likely to prove deserving of this confidence.

He now came again to statements which he made with regret, because it was painful to bring forward private transactions, which a spirit of pride, independence, and a regard to the sacredness of character, would make every gentleman in those high offices anxious to conceal; but, when so much spirit of slander was abroad, it was necessary to expose its injustice. Those whose diplomatic services had been long known, and who had recommended themselves to all parties—who had risen through many inferior offices to the eminent stations which they now held—had done services to their country of the highest benefit, and ought, therefore, to be most liberally rewarded. If they were not provided for on such a scale that persons of high ambition could be induced to engage in the same service, justice would not be done to the talent of the country, nor to the country itself. He had now to state to the House what this reward was, and how the highest merit had been paid by the country; he had this to state on the authority of the ambassador at St. Petersburgh, the ambassador at the court of the Netherlands, and the late ambassador to Spain. Our ambassador at St. Petersburgh had written to him (lord L.) when the reduction lately made was communicated, that he would submit; but he added, that he did not know how, with such "frightful expenses," he could keep free from embarrassment. The House in which this distinguished person lived was rented at 1,500*l.* a year. This was testimony above all suspicion; for this eminent person had advanced himself to this station by his success in his former appointment, and because he was acceptable to the emperor. This clearly showed that he had not been selected for any political purposes. He was of eminent character, of high birth but inconsiderable means, being a younger brother of a numerous family. Lord Clancarty supplied evidence to the same effect. It would be considered that he (lord L.) was referring to persons of sober and staid character, of great moderation and love of order, who, though they would preserve the dignity belonging to their rank and office, yet would try every call for expenses by the test of reasonableness and propriety. Now, lord Cathcart, in the seven years during which he had been engaged in his mission at St. Petersburgh, had spent out of his own private fortune a sum, which, if it had been sunk in an annuity for his life, would have produced him 2,000*l.* a year. The embassy to the Netherlands was not so expensive as that to St. Petersburgh; and yet lord Clancarty, in the first year which he held it, had been obliged to spend 16,000*l.* a year, and had never spent less than 13,000*l.* a year since. These facts were sufficient to convince any unprejudiced man that embassies were not offices of that very advantageous nature which some persons described them to be; and he therefore trusted that the House would never consent to such reductions in the salaries attached to them, as would either drive those to ruin who held them, or force them to leave the service. He could also state, upon the authority of sir H. Wellesley, that he had spent 7,000*l.* more than the salary allowed him in the seven years during which he acted as ambassador at the court of Spain. The same had been done by sir W. A'Court, at Naples, and by his own brother (lord Stewart) at Vienna.

Having said thus much upon the European missions, he would now say a few words upon the other topics which the hon. member had pressed upon the attention of the House. The hon. member had said, that the president of the United States did not receive more than 6,000*l.* a year, and had therefore argued, that Mr. Stratford Canning must be making money by his mission to America. Now, there was a friend of his in the House (Mr. Antrobus), who, during the absence of Mr. Bagot, had discharged all the duties of that mission for a year and a half, and who, therefore, could explain the expenses attached to it. That gentleman, in all probability, would address them in the course of the evening, and from him they would learn that the mission to America was attended with very considerable expense. As he had forgotten to mention the fact whilst he was more particularly engaged with that part of the subject, he would step back for a moment to observe, that Mr. Hamilton, whose salary of 6,000*l.* a year had been reduced 600*l.* by the reduction of 10 per cent, had not been able to obtain suitable lodgings at Naples for less than 850*l.* a year. And yet there were some individuals to be found who could wish to diminish the salaries which public functionaries of this class received! The cool,

unfeeling stoicism with which those individuals advised reductions, which were certain of bringing ruin upon the country, and degradation upon the Crown, was really astonishing; but it would be still more astonishing, if the House of Commons did not, upon the present occasion, turn a deaf ear to their suggestions, as it had formerly done upon similar occasions.

The noble marquis, after recapitulating his former arguments, stated that the policy of England was of a pacific nature. The knowledge that peace was our policy, inspired the nations of Europe with amity and good will towards us, and caused us to have greater influence over them than we had ever enjoyed at any former period. That influence would be most effectually sustained by having high-minded ministers at the courts of the different sovereigns of Europe. Now, it would be impossible for those ministers to do justice to their country, if they were compelled to slink into corners at the courts at which they resided, for the sake of saving the public money. [Cheers.] To preserve the influence of their own country, they ought to show themselves often to the public of that country to which they were sent. Their houses ought to be the centre of information to all who were able to assist or to grace their mission. [Hear, hear! from the Opposition.] He did not mean that they should be the resort of those perturbed and agitated spirits who were anxious to plunge the world once more into confusion, but of those honest and honourable persons who took a fair and candid view of the present state of Europe. He was certain that a vast majority of the nation would always be opposed to any scheme that would make not only the representative of England, but England herself grovel in the manner which the hon. member recommended; and with that impression upon his mind, and also with a strong conviction that the maintenance of the dignity of the Crown was intimately connected with the maintenance of the national strength, he would never allow it to be lessened whilst he held a place in his majesty's councils. The due maintenance of that dignity was our best remedy against ulterior war; and he therefore implored the House not to deprive the country of the moral and physical resource which it thus obtained. If the House were to agree to the present motion, and were to appoint a committee to take into its hands the detailed service of those funds which were usually intrusted to the care of the secretary of state for the foreign department, he should feel himself degraded to the dust if he submitted for a moment to continue in office under such a system. [Loud cheering.] If he were to place himself in such leading-strings, he should be so ashamed of himself, that not only should he feel that he was unworthy to show his face in public, but also that he was unworthy to transact the slightest portion of the public business. [Cheers.] He trusted, however, that the House would pursue a very different course from that proposed by the hon. gentleman—he trusted they would not allow him to accomplish that object indirectly, which he seemed loath to attempt directly—he trusted that, if they had not confidence in the individual to whom the administration of foreign affairs was intrusted, they would say so at once, and deprive him of those functions which they deemed him inadequate to discharge. He would also call upon the gentlemen on the opposite side of the House not to assent to this motion. If they wanted a new secretary of state for foreign affairs, let them look out for one among their own body. [Hear, hear!]. He did not think so unfavourably of their talents as to suppose that an individual fitted for the station was not to be found amongst them; and with the ability and integrity that abounded on their benches, they would find no difficulty in discovering a person fitted to control and check that part of the public expenditure. Let them place that control and check in responsible hands; but let them not commit it to the care and vigilance of a committee of either House of Parliament. If they did commit it to the care of such a committee, from that moment they excluded the secretary of state for foreign affairs from all political influence, and placed him in a species of leading-strings which no man of spirit could tolerate for a moment. So strongly did he feel the impolicy and danger of such a course, that he should meet the motion by a direct negative; for if it was adopted, the constitution was as at an end.—The noble marquis sat down amidst loud cheers.

Sir *James Mackintosh* said, he should have contented himself with giving a silent vote on this motion, if the discussion had taken the course which it was natural to expect from the clear and temperate

statement of his hon. friend the member for Ipswich. His hon. friend, however, by way of reward for the discretion and temperance which he had displayed, had been accused of a wish to lay his country grovelling in the dust, of an intention to degrade her in the eyes of all Europe, and of a desire to deprive her of that influence which it was only by ministers she was supposed to possess. The noble marquis had told the House, that if it agreed to his hon. friend's motion, it would be usurping a branch of the executive government. That any man should venture to make such an assertion of a motion calling upon the House of Commons to institute an inquiry into a branch of the public expenditure, was one of those extraordinary novelties which sprung up in every debate that involved either the conduct or character of the present ministry. The motion, according to the noble marquis, was likewise a motion subversive of all the glorious privileges ensured to us by the constitution. When such language was used to the House of Commons, it was not unworthy its consideration to reflect upon the state to which it was reduced. To what state, then, was the House of Commons, once the master both of kings and ministers, reduced at present? It was reduced to such a point, that it was obliged to regulate its votes by the pleasure of the ministers; in other words, it was reduced so low in spirit, that it dared not to come to any vote that would give so much displeasure to ministers as to cause them to resign. He wished to call the earnest attention of parliament to this shameful, this serious, this dangerous state of things. They had that night heard what had been often styled the *ultima ratio* of ministers: they had heard them introduce into the debate a threat of resignation, which had been so often made, that it now created no alarm among their warmest adherents—which, from its repetition, had become a subject of ridicule to all parties in that House—and which was now so well understood throughout the country, that it was laughed and jeered at, by the lowest politicians in the lowest clubs of the metropolis. [Cheers.] That threat, heretofore either dexterously whispered in the ears of ministerial circles, or rumoured in unofficial statements industriously circulated, or thrown out in that House in a sort of convenient ambiguity that most cautiously did not shut out retreat, had at length assumed a more palpable form, and been threatened by the noble marquis, in a tone of pretended confidence, but of real and undeniable apprehension [Hear, hear!]. He must implore them to reflect on the situation on which they would place the House, if they timidly gave heed to such a threat from such a quarter. The House of Commons had, during the course of its existence, performed greater things than any assembly which had ever existed at any time or in any nation. The House of Commons had sometimes abused its powers—it had changed the religion of the state—it had deprived a sovereign of his Crown—it had sent a dynasty into exile—and it had hurled from his pride of place many an imperious and despotic minister. It was now, however, reduced to hear the present ministers, who overrated their own merits far beyond any of their predecessors, and who underrated the House of Commons even further than it had ever been underrated in any of the libels published against it—it was now reduced to hear the present ministers addressing it in a tone of defiance, and saying "If you vote against us, we will throw up our places; and we deem it right to tell you, that we think our places of much higher importance than any decision which you, the majority of the House of Commons, may arrive at, with all the depth and profundity of your wisdom." So distinct a declaration on the part of ministers, he was certain, would never have been made, if they had not had a firm conviction that a great portion of those who usually supported them would differ from them on the present occasion. It was a deep game that they were now playing—it was a great stake for which they were now throwing. He could not, however, bring himself to think that the House of Commons would endure a repetition of the threat that had been used that evening. It was a card that could not be often played, and he was certain that it would not have been played that evening had the minister been able to lay down any other. He would therefore, in the name of the ancient fame of that House—in the recollection of its many great and illustrious services to the country and to the world—in the hope of cementing the body of the nation to it in that confidence which at present it did not enjoy—he would, by all these associations, conjure hon. gentlemen to re-

collect the disgrace which they would entail upon themselves, if, by their vote of that night, they preferred the pleasure of ministers to the gratifications of conscience, and thought it better to bear their yoke than alleviate in the slightest degree the burthens of their fellow countrymen. Could they be regardless of the character with which they would return to their constituents, in case they voted that evening with ministers? Would they allow it to be publicly said of them, that they had listened patiently to language from a minister, which, if uttered in better days by the monarch, would have hurled him speedily from his throne? The noble marquis, however, not contented with menacing his audience, proceeded to address them in language of the most outrageous and contumelious nature that had ever been uttered in parliament. He has told you, that he, the pacificator of Europe; he, the presiding genius of congress, the associate of kings, and emperors, and autocrats, disdained to be placed in the leading-strings of a committee of the House of Commons. And yet, what were the measures which must be taken to place him in those leading-strings? Must there not be a majority of the votes of that House? By no other means could the measure be effected. So that the leading strings, which the noble marquis, full of Prussian and Russian notions, took upon him so heartily to despise, were the votes of the knights, citizens, and burgesses of the House of Commons—those votes, which, in former times, had kept in awe the most daring and profligate ministers. He called upon hon. gentlemen to look closely to this declaration, of the noble marquis,

"— nec enim levia aut ludicra petuntur
"Præmia, sed Turni de vita ac sanguine certant."

The very being of the House of Commons, as an independent body, appeared in jeopardy—its existence, to all useful purposes, was in danger, from the threats of the noble marquis; which, though they had excited no fear formerly, could not be heard at present without exciting the warmest indignation in the breast of every man who loved the freedom and cherished the institutions of England and Englishmen. Let them mark, however, the inconsistency into which the noble marquis, in the warmth of his argument, and the pride of his nature, had shortly afterwards unconsciously involved himself. The noble marquis, after telling them, that nothing could be so absurd and so unconstitutional as to refer the expenditure of our different missions to a committee, and after declaring that if such reference were made, nothing would ever induce him to continue in the department which he then had the honour of filling—the noble marquis, after much idle declaration on that point, founded all the arguments which he had used upon the report of a committee which had usurped the duties of the executive government, and had determined the nature, extent, and salary of every mission that had been sent from the country since 1815. Now, he would ask the noble marquis to explain to him by what process of logic it happened, that our missions could be referred to a committee constitutionally in 1815, and that they could not be referred to it in 1822, without introducing changes into the state utterly subversive of its laws and constitution?—There was another part of the noble lord's harangue which struck him with great astonishment. He alluded to that part of it in which the noble marquis, after indulging for some time in his stale and hacknied sneers against those whom he denominated the disturbers and agitators of mankind, asserted, that at no former period of our history had the influence of England over foreign countries been so predominating. The noble marquis had then talked much of the glories achieved by the quintuple alliance—a subject so very wide of that which the House was called upon to discuss, that he was at a loss to conceive why it had been introduced. If they had any thing to do at present with the glories of that alliance, it was, not with the brave and gallant deeds of those heroes who struck down the colossal power of France in 1814 and 1815, but with the feats which they had recently achieved, the victories which they had lately gained, to the ruin of the expanding liberties of an injured nation. The noble marquis, in wandering from one subject of complaint to another, had thought fit to charge it as a crime upon gentlemen on his (sir J. M.'s) side of the House, that they were opponents of the holy alliance. The charge came with exquisite grace from the noble marquis—from the man who, in January, 1821, published, in the name of his sovereign, to all Europe, a strong and indignant reprobation of the principles avowed by the holy alliance. The noble marquis paid hon. gentlemen on his (sir J. M.'s) side of the

House, a compliment which they did not deserve, when he charged them with being the earliest detractors from the merits of the holy alliance. They were not so: they had no claim to originality: they were mere plagiarists, feeble and humble imitators of the spirited eloquence of the noble marquis on the same subject. They had never said, that the governments of Austria, Prussia, and Russia were engaged in an unholy conspiracy against the laws of nations and the rights of man. They had never said, that their conduct was subversive of every thing like honour and principle between nation and nation. They had not charged those governments (at least not more than the noble marquis had), with being enemies to the interests of all sovereigns. The noble marquis, however, had charged the Austrian, Prussian, and Russian governments, with all the crimes which nations can commit: he had accused them of sinning against humanity, of sinning against justice, of sinning against honour, of sinning against every thing that was dear and valuable in the law of nations and the rights of mankind. [Cheers.] He defied the noble marquis, or any of his friends, to point out any language used on his (sir J. M.'s) side of the House that was—he would not say stronger, but—so strong as that in which the charges against them were couched, and which the noble marquis had dispatched in the form of a circular to every court of Europe with which we had any connexion. If such were the case, he would ask hon. gentlemen what they ought to think of the influence which it was pretended that we were at this moment exercising all over Europe? Either the noble marquis was or was not sincere in the paper to which he had subscribed his name; and upon either supposition, he would argue the point of our influence in Europe. If the noble marquis was sincere in the protest which he made in January, 1821, it was quite evident that we had protested in vain against as gross an act of rapine, injustice, and oppression as ever disgraced the annals of history. Now, how was the little attention that that state paper met with from foreign powers to be reconciled with any idea of our great influence over them? When was it before that Italy could be transformed into an Austrian province without the interference of England? When was it before, that the German stalked as a conqueror through Italy in spite of the efforts of Great Britain and France—the one the greatest power by sea, and the other by land? Was it by instances like that he had just quoted, that the noble marquis intended to convince the country of its increased influence among foreign nations? If considerations of general interest, and a wish not to injure pending negotiations, did not prevent him from touching on certain recent events, he could make out even a still stronger case of our want of influence, or, in case of our possessing it, of a most wanton abuse of it. The noble marquis had told them that Switzerland was an important power. He scarcely knew what the noble marquis meant by stating that there was a strong moral reason for our having an ambassador in that country. He should not have been surprised at hearing that there was a political reason for such a mission; but he had always been given to understand that a political reason was as distinct from morality as one thing possibly could be from another. What, then, was the moral reason of which the noble marquis talked so greatly? It was this—that it was greatly for the interest of Europe that the neutrality of Switzerland should be observed, and that we were called upon most particularly to protect it. He would here confess that there were three good acts of the holy alliance, on which too much praise could not be bestowed: the first was the neutrality of Switzerland, the next the abolition of the Slave trade, and the last their declaration in favour of civil and religious liberty. Now, allowing it to be so material that the neutrality of Switzerland should be religiously protected, in what, he wished to know, did that neutrality consist more than in the inviolability of the asylum it afforded to the refugees from the political and religious discords of their own countries? Switzerland had formerly been celebrated as the secure retreat of every martyr to the cause of liberty—of every man whose only crime was to be found in his defeat. Was it not essential to its neutrality that the character which it had held through so many years should still be maintained free from suspicion? Was it not essential that as a place of refuge it should retain its pristine inviolability? Was it not destructive of all those good consequences arising from it, on which the noble marquis had descanted so largely—was it not destructive of those good consequences, that the ministers of the holy alliance should have assumed

the right of entering its territories, and delivering up into the hands of their persecutors those whom they thought proper to call criminals, merely because they loved liberty, and hated oppression? The ministers of the unholy alliance had committed this nefarious deed—had perpetrated this violation of every principle deemed most holy by all the writers on the law of nations—had turned the hospitality of Switzerland to its disgrace in every canton of that hospitable country. The refugees from Piedmont—and here he must stop to congratulate the noble lord on his geographical discovery that Turin was not in Italy. [Hear and a laugh.] Other geographers generally reckoned Piedmont in Italy, and he thought that the noble marquis, when he again looked at the map, might perhaps become a convert to their opinions; especially as the Austrians had now divided Italy into three distinct provinces for their own convenience. The first was Piedmont, over which the descendant of the ancient dukes of Savoy, or the Tetrarch of Sardinia, as Mr. Burke had called him, reigned, subject, however, to the paternal control of the House of Austria; the next was Tuscany, over which a member of the reigning family of Austria presided; and last of all came Naples, once an independent kingdom, now a mere province of Austria—held, indeed under a king who had once sworn to a constitution, but who had preferred to be the viceroy of a foreign power to being the head of a free though limited monarchy. Refugees from all these three different provinces found their way into Switzerland; but there, in spite of its neutrality—there, in spite of the inviolability that ought to have belonged to it as an asylum—there, in spite of the sacred rights, which, from the most barbarous ages downwards, have been considered to belong to the miserable and suppliant refugees—even there it was attempted to make captives of those whose only crime was, their abomination of oppression. Why were those individuals to be seized? For offences they had committed in Switzerland? No; but for their desire to obtain liberty for their fellow-men—for their anxiety to bestow the blessings of a constitution upon those who knew them only by name—for a wish to open to all the road to knowledge, to which he alone among our civilized princes was a fierce and inveterate enemy. Information, however, by some means or other, was given to the Italian refugees before the warrant for their arrest was issued, and they contrived, one and all, to make their escape. Probably the ministers of Switzerland, actuated by a spark of the ancient virtue which had so often crowned their barren hills with all the verdure of plenty, had been ashamed of betraying their guests into the hands of those who had no other right to demand them but the right of the sword. Within the last three or four weeks the city of Geneva, which was now reckoned one of the cantons of Switzerland, had entertained under its protection several Italian refugees of property, who were in possession of distinction of every sort, no matter whether it arose from wealth, talent, character, or accomplishment. The protection they received at Geneva, they were not allowed to enjoy long. The ministers of the three powers repaired to Geneva, and required that they should be given up to their incensed masters. The magistracy of the town gave them warning, and they also escaped. But at present they had no asylum. In the Netherlands, where they now were, they had no chance of security. In England, formerly the asylum where every friend of freedom, every man who had suffered in her cause, found himself immediately naturalized, the case was now decidedly altered. Foreigners saw on our cliffs—not the genius of liberty beckoning them to approach to our shores, but—a minister with a threatened alien bill in his hand driving them away, or consigning them, if they approached, to the cells and dungeons of a foreign land. [Loud Cheers.] He would ask the hon. and learned member for Guildford, who smiled with so much complacency at the fate of so many good and virtuous men—who by his silent smiles more than by his honied words, showed that he had studied all the expenses of our diplomacy, which his high rank and constant occupation at the bar almost rendered it impossible for him to do;—he would ask that hon. and learned member what inference he drew from these facts? If England had greater influence with foreign nations now than she ever had, and did not use it to prevent the nefarious transactions he had described, she was a party to them. If, on the contrary, she had attempted to prevent it and failed, then it must be confessed that her influence had altogether failed. Either the noble lord had approved of all these transactions,

and was in that case fairly subjected to the reproach and the disgrace which they had brought upon their authors, or he had disapproved of them in vain, and the British government had no longer its boasted influence with the courts of Europe. He would not waste the time of the House in farther illustrating a truth that was self-evident. He should not have been induced at all to address it, but for the extraordinary doctrines of the noble lord. A most singular moment, too, had been chosen for the avowal of such doctrines. A moment when the people were besieging their doors, and when their table was loaded with petitions, imploring that House to relieve their present distresses, and to save them from impending ruin, was the time selected by the noble lord to make his appeal with stoical sternness, an appeal in which he charged those members who, in the discharge of their duty, wished to inquire whether some diminution was not practicable in this branch of our expenditure. No improvement could be suggested, without exposing the individual who pointed it out, to insinuations and taunts from the other side; and it was his indignation at discovering this to be the case, that had excited him to take a part in the present discussion. Far was it from his intention to deny the propriety of adequate salaries for our foreign ambassadors, of emoluments suited to the dignity of their functions, and to the character of a body of gentlemen living in honourable exile, and engaged in performing useful services to their country. But he did not see the necessity of imposing on them the obligation of extending their hospitality to the crowds of idle Englishmen who now resorted to foreign courts. He did not think the House would be disposed to countenance a scale of expenditure enlarged to an unnecessary degree by circumstances like these. The noble lord had dexterously avoided entering into particulars except with regard to the few missions which had involved those who filled them, in embarrassment and difficulty in their private affairs. Now, if such was the result at some of the greater courts, and if 10 per cent was, notwithstanding, to be deducted from those appointments, it was more important still that the House should look with jealousy to our diplomatic missions at the minor courts of Europe. In many of them a secretary of legation, or a *charge d'affaires*, was a minister of rank and competency enough to discharge every duty that could be incumbent on the representative of a foreign state. In times when economy had become indispensable from the throne to the cottage, we ought, by restraining our disbursements in capitals where no business of general or extensive interest was usually transacted, to enable ourselves to support, without exposing individuals to loss, the great and effective missions through which the political system of Europe was maintained. No doubt the embassy at St. Petersburgh had risen very highly in importance, and it was filled by a person of rank. The noble lord had adverted to others which were held by noblemen or gentlemen whose private fortunes sometimes made up the deficiencies of their official salaries. He did not know why more persons of this character were not chosen to fill such employments; but how was it possible for that House to judge of the scale on which their expenses were regulated, without possessing a shadow of evidence on the subject? Many there were who were perfectly ready to exert their talents, and obtain the means of rendering future advantage to their country, whose rate of expense might be governed more by reference to their own property, than to the allowances granted by the public. It was said, that other powers had ministers of a certain rank at the minor courts; and whilst there was a pretender to his majesty's crown, which continued to be the case so lately as the year 1792, it was one of the principal objects of our foreign policy to watch minutely all that passed in the courts of Italy, and at Florence in particular. Even during the life of the cardinal York, it was necessary that a scrutiny should be maintained, as to all that related to the concerns or relations of that family. But that necessity no longer existed. The only plea that could once be urged in defence of large or numerous, or expensive appointments was no more; and he should now request their attention for a few moments to the expenditure of the United States under this head. The House could not have failed indeed to remark the tone of monarchical contempt in which the noble lord had spoken of that power and of its expenses. It could not, however, but sound a little strangely in the ears of a House of Commons, if their character was not entirely altered—if they still were

in reality the guardians of the public purse. Were they not themselves understood, and bound to represent the republican part of our constitution; and was it thus the noble lord was inclined to treat America, because her government was a republic? He would maintain that it was a duty of the House of Commons to act in a republican spirit; and he was not afraid either to set his constitutional doctrine against that of the noble marquis, or to compare his zeal and respect for monarchy, with that so anxiously professed on the other side. On behalf of the people, and he spoke of them plainly and without nice or subtile distinctions, he asserted that they usurped no part of the executive government, by instituting an inquiry into the expenses of this branch of public service. They were bound to act with republican jealousy, not with unguarded confidence, at a time when distress was general, and when complaints were loud and universal. Fifty years ago Mr. Burke had observed on the monstrous contrast afforded by a petitioning people, and an addressing House of Commons—by a parliament which, when the country expected from them votes of censure, thought only of thanks and congratulations. But, lamentable as was the fact, such was now the state of things in this country; and beyond all doubt the noble lord would find nothing analogous under that government of which he had spoken with so much real or affected disdain. In spite of the regal contempt evinced by the noble marquis for the United States of America, she was, day by day, spreading her pacific conquests, and blessing with her rule a wider extent of territory than absolute monarchy ever cursed. [Hear, hear.] When he ascribed a feeling of contempt to the noble lord in referring to the American government, he founded his observation as much on tones and gestures as on articulate expressions. The former were frequently not less intelligible; but, in looking generally at diplomatic service, he could assure the House that he did not undervalue the importance of finding so many young men engaged abroad in qualifying themselves, without influence or reward, to undertake missions hereafter. He saw with equal pleasure persons of the same age and character, of rank and distinction in that House, who, though endowed with ample private fortunes, were assiduous in official business, and as eager to distinguish themselves by talent and industry, as professional men engaged in seeking their daily bread. This did not, however, make it less the duty of parliament to be as frugal, under our present circumstances, as was possible, or as the example of America could induce us to be; and he might add, that it would be well if this country were always represented abroad with the same ability, that had always marked the foreign missions of the United States. The allowances and emoluments attached to those missions were, he believed, too small; but this circumstance had never affected the zeal or address with which the duties of them were performed. The noble lord had said, that he did not wish to have the office of ambassador bid for; but he would suggest to the noble lord, that to increase the salary, was not exactly the way to prevent the consequence of which he had expressed his disapprobation; for, whenever the value of a commodity was increased, the number and importunity of its bidders were likely to be increased; and, though it did not become him to make any allusions to the private sacrifices which were often made to procure the appointments to which he was referring, yet it was well known that such sacrifices were made, and that appointments abroad were often repaid—gratefully repaid—by services at home. He feared that he had trespassed too long upon the House, and should conclude by expressing his concurrence in the motion. [Hear, hear!]

Mr. *Robinson* said, that after listening with unfeigned respect to the hon. and learned gentleman. it was with some surprise that he found, at the conclusion of his speech, that no part of his argument applied to the question before the House; or if it did in a single point, that it was in opposition and not in support of the motion before the House. With regard to the embassy at the court of St. Petersburgh, the hon. and learned gentleman was satisfied that it ought to be of the highest rank; and yet this was the very appointment of which the hon. mover had most bitterly complained. With regard to the motion, the House ought not to vote for it, unless they were also prepared for the result. So signal a proof of their utter want of confidence would undoubtedly convince ministers that they were no longer considered fit to discharge the duties of their respective offices, and that they ought to be succeeded by those

in whom the House could repose its trust. The hon. and learned gentleman had travelled out of the question, in order to arraign the whole system of that foreign policy, which had been pursued for years, and had been sanctioned by successive votes of parliament, for the express purpose of calling on the House to support a motion, which they were told unequivocally must, if carried, lead to the downfal of the present administration. If the House did not think the present ministers fit to be trusted, was it any insult to them to announce, that those ministers would bow to their decision? When a ministry was told, day after day, that they had lost the public confidence, it seemed to him most extraordinary that it should be deemed unconstitutional in them to signify that, if it were so, they were ready to withdraw their services. This was the substance of his noble friend's intimation; and he thought it far more constitutional than the doctrine by which it had been condemned. So extraneous were the topics introduced in the speech just delivered, that he knew not how, after the argumentative statement of his noble friend, to enter into any reasoning that would not appear unnecessary. Those who had heard all the details embraced by his noble friend's explanation, and marked how dexterously they had been avoided by the hon. and learned gentleman, must have felt that a more clear or satisfactory defence never was made to a meagre, unsatisfactory, inconclusive and incomplete statement.

Mr. *Creevey* wished the House to consider, what was the actual state of the case. A motion was made for appointing a committee to inquire into certain heads of the expenditure, and this committee, if appointed, the noble lord informed them of his determination not to attend. He conceived this to be a most daring declaration, only to be surpassed by the statement of another secretary of state, that whatever parliament might resolve, he would not advise the Crown to act in conformity with its resolution; or by the conduct of that minister who had affirmed the impossibility of governing the House of Commons without corruption. These, indeed, were novelties. It was reserved for the present time to see parliament thus degraded and insulted by the ministers of the Crown. Either the House ought to vindicate its character by an assertion of its rights, or to adjourn at once, and no longer pretend to exercise functions that were the subject of ridicule and contempt. It had been contended, that the committee moved for would be a usurpation of the powers of government, and a disfigurement of the monarchy. Yet the whole subject, as now arranged, had grown out of the report of a committee in 1815, appointed on the recommendation of the noble lord himself. It was said, that no case was made out to justify a motion of this nature, although, whilst distress prevailed all over England, and a famine was raging in Ireland, lord Stewart and lord Burghersh were residing in London, with the salaries and appointments of foreign ministers. He could not, for his own part, conceive a stronger case, nor a grosser insult on that House, than to call such a committee as was contemplated by the present motion, a disfigurement of the monarchy of England. If the House did not think proper to inquire into these subjects, and did think proper to submit to such language, it had better make a new declaration of its rights. It would deserve the contempt of the country, if it submitted to the language which had been addressed to it that night.

Mr. *Tierney* said, that so extraordinary a speech as that of the noble lord would not permit him to give on this occasion a silent vote. All, however, that he proposed to say, would relate strictly to the question; which was, simply, whether any saving, and how much, could be effected in a particular department of the public service? It was matter of alarm, to witness after so temperate a speech as that of the hon. mover, the sort of attack which it had provoked from the noble lord. The smallness of the reduction which was contemplated could not render it an object of indifference; for they had lately seen the House, much to its honour, eager to abolish an office of 2,500*l.*—a sum much less than might obviously be saved by complying with the present motion. But the fact was, that so sore were ministers from the repeated instances of want of confidence, that at length they had resolved to make what they called their stand. Now, though it might be constitutional to declare an intention of throwing up office if a certain proceeding were adopted, it was still unwarrantable to circulate a threat of this kind previous to the discussion of it in parliament. He would remind country gentlemen that they would have a strict account one day

to settle with their constituents. With respect to the committee of 1815, he knew that its estimate was founded upon no evidence, except a letter from Mr. Hamilton to Mr. Antrobus, and that it was framed by the noble lord himself. They were informed that retrenchment to the extent of 30,000*l.* was to be carried into that branch of the civil list which was provided to meet tradesmen's bills; and, though the noble lord hinted that his majesty's comforts might be abridged by it, he apprehended that every gentleman who was not too great a statesman to attend to his private affairs, must be sensible that a diminution of from 15 to 20 per cent had taken place since 1818 in this branch of expense. The noble lord thought that when he had introduced estimates lower than those to which a committee had agreed, he had done every thing that was necessary for economy; and that as the committee had fixed upon a certain sum, he was fully justified in paying it. There he agreed with the noble lord; for if the House consented to vote such sums, no doubt they must be paid. But that was not the exact question which they were now considering. The question was, whether he would be considered inimical to the Crown, who, feeling for the distresses which had come upon the country since the period he was speaking of, recollecting also that the House in the last session did consent to an address to the Crown, calling for economy and retrenchment, should now require a committee to inquire into one of the most extravagant branches of our expenditure, and to see whether an address founded on their report, and carried to the foot of the throne, might not be productive of great and necessary reduction? Now, that some reductions might be expected from the examinations of a committee, he was prepared to show. And here he could not but remark, that the noble lord forgot what had occurred since the committee of 1815. In that committee an estimate was proposed and adopted; but the next year the noble lord himself came down with estimates less by 26,000*l.* than those fixed by the committee. In another instance, the House knew there was a minister at Hamburgh, with 4,000*l.* a year, but it was found that a consul with 500*l.* would do all the business there just as well, and one was sent accordingly. If that had been the result of a committee, would it have been any thing the worse? No; but a committee they dreaded above all things, as something unconstitutional. The right hon. gentleman (Mr. Wynn), might smile, but he would defy him to select any committee, pick and choose them as he might, which would not find that considerable savings might be made, or which would uphold the necessity of all our present embassies, with all their enormous expense. He would, for instance, take that embassy to the Swiss Cantons. It was said, he knew, that there were at all times embassies to those Cantons from other powers. That Capo D'Istra was there, and that a nephew of Talleyrand had been there, as if sending the relative of one minister was a justification for employing the relative of another; but he would say, that if M. Talleyrand's nephew was sent to the Swiss Cantons under circumstances similar to those under which a relative of the right hon. gentleman (Mr. Wynn) was recently appointed to the same place, it was as rank a job as had ever been heard of; and that a committee, if appointed to inquire into the subject, would tell the right hon. gentleman the same thing. He said this in the utmost good temper with his right hon. friend (Mr. Wynn); and if he had not used that term before, it was not from any want of friendly feeling, but sitting at different sides of the House as they now did, the term he had used was much more convenient. He did not quarrel with the appointment of Mr. Wynn to this embassy, for if any person was necessary for the office, he thought he would be as likely to fill it well as any other; but he did object to the appointment, because he was convinced that it was not only unnecessary, but extravagant to keep up such an embassy at such an exorbitant expense: and, as he had said, a committee would so pronounce it. Formerly we had a minister at Bavaria, and he also acted as our representative at Frankfort. Now we had one to each. He did not object to our having a minister at Bavaria, but in a committee he would be able to show, that it was not necessary for us to keep one at Frankfort at such an expense as we were now incurring. He trusted he should get credit for being at all times well disposed liberally to remunerate the services of public men; but there were two matters to be considered here—whether we had more than were necessary; and, if not, what was it which could be called liberal remuneration. First

with respect to the Swiss Cantons. The House had heard of one person having performed the duties of that office for 250*l.* a year. To be sure, the noble lord had described that individual as a man transported for his time, and he had added, that the sum given him was less than half of what he ought to have received. Now it might be true, that 500*l.* would not be too much, but, was there no difference between that and an income of twelve times the amount? He would not examine the noble lord in the committee to prove this; but he was sure he could easily satisfy a committee of its extravagance. The noble lord had sheltered himself under his official responsibility and the necessity of preserving the secrets of government, and protested against having those secrets submitted to the scrutiny of a committee. Now, the question before the House was, whether there were more public officers employed by this country at foreign courts than were necessary; and, if not, had those persons larger incomes than they ought to draw from the pockets of the people? What had this do with the safety of the state? Where was there any necessity for breaking cabinet secrecy in inquiring into such a subject? But, without putting the noble lord in any situation in which he might risk the violation of his oath, he (Mr. T.) would, if a committee were appointed, prove from the evidence of others, whose lips were not sealed up with the same cabinet secrecy, that we had more consuls abroad than were necessary, and that for the most part they were too highly paid. It was said, that many of the consuls complained that they were underpaid. Not a doubt of it. And at all times, there were the most pathetic complaints from several of our commercial and diplomatic agents abroad, that their services were not adequately rewarded. Still, however, we did not hear of any of them giving up their appointments in consequence. Many of them argued thus with themselves: "My official income is less than my expenses, and I am obliged to make up the deficiency out of my private property, but then I shall get a pension when I retire." And, in fact, it became a question of calculation, how much money they were to expend to acquire that pension. There was, however, this difference between former consuls and those of the present day—they had now a larger salary and also a larger pension on their return. Now, what was there to prevent this being made the subject of examination by a committee, in order to ascertain whether the pay and the pension were not more than circumstances required, and, of course, than the country ought to pay? That all the money taken out of the public purse by those gentlemen was absolutely spent by them abroad, was not the question; but, whether it was necessary that so much should be spent. In Paris, he knew, the sum paid to our ambassador was spent, for he had experienced a proof of it; and there was no one who shared the hospitality or enjoyed the conversation of sir C. Stewart, our ambassador there, who would not be satisfied that his official income was even exceeded. But then what moral effect did it produce to the nation, that sir C. Stewart should entertain every Englishman who visited Paris? What possible increase of influence or importance could it procure for this country, that Englishmen were daily eating their way through its ambassador's income abroad? A gentleman paid two guineas at the secretary of state's office for a passport, which had the effect of a letter of introduction to the ambassador, and then he ate it out in dinners at his table. Where was the moral effect of this to the nation? Now, in Paris, where there was such an influx of his countrymen, sir C. Stewart might give 10*l.* a head to get them back; while Mr. Bagot, at St. Petersburgh, where English society was scarce, might be willing to give 10*l.* to see one. So that, if the necessary entertainment of our countrymen abroad was a ground of keeping up such expensive establishments, it ought to be proportioned to the circumstances of the situation. In the cases he had mentioned, however, there was no such difference observed. He fully concurred with the noble lord in thinking that we should appear respectable in the eyes of foreign nations: but, was this expense necessary to maintain our respectability? He said, no. The character of the English nation was to be kept up abroad by the respectability in which its ministers were held at home, and if they failed in securing that, not an income of 50,000*l.* a year to each of our ambassadors, to be laid out in the most sumptuous entertainments, could procure it. With those gentlemen who looked upon the present motion as tending to overturn the constitution he would not argue; but if

there were those who thought that a saving ought to be made in every department where it could be effected without injury to the public service, he would say, why not go to the committee and inquire in what manner this could be done? His own firm opinion was, that without any very close pruning of salaries or fees, 50,000*l*. a year might be saved to the country by the inquiries of a committee. As to the assertion, that economy in our embassies would lessen our respectability with other nations, it was idle and groundless. He believed other nations would be very glad to follow such an economical example. But then, in came the noble lord's argument—the moral effect of rich embassies. The moral effect was the word he still harped on; and as prince Metternich and prince Talleyrand, and count this, and count somebody else, kept up large establishments, for the moral effect, no doubt, we also were to keep up similar extravagance for a similar moral effect.—Another reason why he was anxious for the appointment of this committee was, a consideration of the good effect it would produce out of doors. The people would hence learn, that the declarations about economy and retrenchment were not mere empty sounds, but that a saving would be made wherever it could be effected. They would learn, that the fears of the noble lord about the loss of his place, and the tone he assumed, perhaps from being well informed as to the disposition of his supporters, should be no farther bars to just economy. The question, the noble lord said, was now, whether he should keep his place or not? and this was declared with the view of catching any wavering votes. Now he (Mr. T.) did not care whether that threat was really sincere, or whether it would be possible to find on his (Mr. T's.) side of the House, any man who would venture into office, after the noble lord should have quitted it; but he hoped the country gentlemen, to whom this was held out, would not be frightened by the hacknied threat. The noble lord had talked of a peddling system on his (Mr. T's) side; but, was it not a peddling system of the worst kind to be thus constantly talking of what was never intended? He had no fears at all about the resignation of ministers, and the country gentlemen need by no means to be alarmed on that account. It would, indeed, be a surprise to hear that my lord Londonderry had resigned—that lord Liverpool had retired from office—and he could not imagine any thing more indescribably comical, than the chancellor of the exchequer's face after a resignation. [Hear, and a laugh.] There was, however, no danger of any such disastrous event occurring—no danger of the noble lord and his colleagues being turned out of office; but he would tell the country gentlemen what there was a danger of. There was a danger of their being turned out of their counties—a danger that some gentlemen who made fine speeches out of doors about economy and reduction, which they contradicted by their votes whenever these questions came to be discussed within, might be turned out. He trusted, however, that this would not be caused by their votes on the present occasion. When he considered the peculiar character of the present motion, the obvious mode which it presented of making an efficient saving to the country, the necessities of the people calling so loudly for reduction, he trusted he should be in a majority on the present, as well as on the occasions of the two lords of the Admiralty and one of the postmasters-general. If not, then he would say that the marquis of Salisbury was an injured man. It was dealing very hardly with that venerable nobleman, who had so long served his country, and who was willing to serve it to the end of his life. It would seem as if ministers said, "send off the noble lord, if you please; turn him loose in his native woods, if you will; but touch the Swiss embassy, disturb Mr. Wynn in his new appointment, and then, out we must go; as he is one of our very particular friends, and we cannot stay after him." He trusted, however, that such a threat would be of no avail in the present case. He would not press the subject farther, but would conclude by voting for the motion. [Cheers.]

Mr. *Wynn* said, he was surprised to hear it maintained, that if ministers could no longer keep the confidence of the House, they would be wrong in announcing their intention to resign. He had always understood it to be constitutional doctrine that the loss of the confidence of parliament ought necessarily to be followed by a resignation of their places by any set of ministers. With respect to the motion he should oppose it, because he thought it would be establishing the dangerous precedent of placing a committee of that House, like a committee of public safety, over the ministry for foreign affairs; for

how was it possible to come at the points sought for, if the motion were carried, without an examination of the ministry? His hon. and learned friend had asked, what the House of Commons was for, if not for inquiries of the present description Now he would defy his hon. and learned friend to prove in any one instance, that a committee had ever exercised such a control over a ministry, as this examination would necessarily imply. It was said, that a committee on the same subject was appointed in 1815, but it should be remembered, that that committee was one appointed on the responsibility of ministers, and that it never had, and never was intended to have, the power of inquiring which it was proposed to give to the one now moved for. The constant practice of the constitution was, to place these matters in the discretion of the ministers and if that confidence were abused, the ministers were removed by address to the throne. The right hon. gentleman then went on to contend against the possibility of attempting, with any hope of success, an inquiry which would embrace a detail of the expenses incurred in the several courts of Europe. It would be rather inconvenient, he thought, to bring witnesses from Naples and from Constantinople, to state what were the usual charges of living in those places. It was also necessary to shew a decent splendor at foreign courts; for however unnecessary this might appear in the eye of the philosopher, it made a great impression on the mass of mankind. He recollected that the late Mr. Sheridan once drew a picture of the Speaker going up with an address to the throne, and having no other attendance than the sergeant carrying an umbrella over him, and said he would receive the same respect as if conveyed in a state coach. But he (Mr. W.) was of a different opinion. It was necessary that public functionaries should have those external marks of honour which did not indeed change the man, but enabled him to make a greater impression on the people at large. He then went on to remark upon America, and the affinity of interest between that country and England, and observed, that if the functionaries of America were not even underpaid, their rate of salary ought to be no rule to us, who were in such different internal circumstances. He was convinced that the interests in question could not be properly submitted to a committee, and that if the House agreed to the motion, it would act in a most unprecedented manner.

After a short reply, the House divided: Ayes 147. Noes 274. Majority against the motion 127.

List of the Minority.

Althorp, lord	Grant, J. P.
Aubrey, sir John	Griffith, J. W.
Anson, hon. G.	Grattan, J.
Astel, W.	Gaskell, B.
Abercromby, hon. J.	Hume, J.
Burdett, sir F.	Howard, hon. W.
Boughton, sir R.	Haldimand, W
Boughey, sir J. F.	Hill, lord A.
Brougham, H.	Heathcote, G.
Bright, H.	Hornby, E.
Barnard, lord	Hutchinson, hon. C. H.
Birch, Jos.	Honeywood, W. P.
Bennet, hon. H. G.	Hurst, R.
Benett, John	Hughes, col.
Barrett, S. M.	Heron, sir R.
Bury, visc.	Hobhouse, J. C.
Belgrave, visct.	James, W.
Browne, Dom.	Jervoise, G. P.
Bernal, R.	Kennedy, T. F.
Becher, W. W.	Lethbridge, sir T.
Butterworth, J.	Lockhart, J. I.
Byng, G.	Lamb, hon. G.
Baring, sir T.	Leycester, R.
Baring, H.	Lester, B. L.
Crompton, S.	Lemon, sir W.
Crespigny, sir W. De	Langston, J. H.
Calcraft, John	Lloyd, sir E.
Calcraft, J. H.	Lushington, Dr.
Cockburn, R.	Latouche, R.
Coke, T. W.	Monck, J. B.
Campbell, hon. G. P.	Macdonald, J.
Campbell, A.	Maberly, J.
Carter, J.	Mackintosh, sir J.
Cavendish, lord G.	Martin, J.
Cavendish, lord C.	Marjoribanks, S.
Cavendish, lord H.	Mostyn, sir T.
Clifton, viscount	Marryat, J.
Carew, R. S.	Mahon, hon. S.
Concannon, L.	Moore, Peter
Calvert, C.	Newport, sir J.
Caulfield, hon. H.	Normanby, visct.
Coffin, sir Isaac	Neville, hon. R.
Davies, col.	Nugent, lord
Denison, W. J.	Newman, R. W.
Denman, T.	O'Callaghan, col.
Dickinson, W.	Osborne, lord F.
Dundas, Charles	Ord, W.
Ebrington, viscount	Price, R.
Ellice, E.	Pym, F.
Ellis, hon. A.	Palmer col. C.
Fergusson, sir R.	Palmer, C. F.
Fitzgerald, lord W.	Pares, T.
Foley, T.	Peirse, Henry
Fitzroy, lord C.	Power, R.
Fetherston, sir G. R.	Powlett, hon. W. I. F.
Grosvenor, R.	Ricardo, D.
Gurney, R.	Robarts, A. W.
Guise, sir W.	Robarts, col.
Grenfell, P.	Rice, S.

Robinson, sir G.	Tynte, C. K.
Rickford, W.	Western, C.
Rumbold, C. E.	Wood, alderman
Ridley, sir M. W.	Wilson, sir R.
Smith, hon. R.	Webbe, col.
Scarlett, J.	Williams, J.
Stanley, lord	Williams, sir R.
Sefton, earl of	Whitmore, W. W.
Smith, W.	Warre, J. A.
Sykes, D.	Whitbread, W. H.
Sebright, sir J.	Whitbread, S. C.
Smith, Sam.	TELLERS.
Stuart, lord J.	Lennard, T. B.
Scott, J.	Creevey, T.
Tierney, rt. hon. G.	PAIRED OFF.
Titchfield, marquis of	Russell, lord J.
Townshend, lord C.	Phillips, G.
Tavistock, marquis of	

HOUSE OF COMMONS.

Thursday, May 16.

Absentees.] Sir *T. Lethbridge* said, he had a petition to present signed by 600 respectable inhabitants of the county of Somerset. He hoped the chancellor of the exchequer would not be displeased with him for presenting the petition, as the prayer of it was rather unusual—it prayed the House to lay on additional taxes. From the tax which the petitioners proposed, which was in itself politic and beneficial, an ample fund might be supplied to make up for other taxes which might be repealed for the relief of the country. The petitioners felt for the distress of the country, and they called the attention of the House to a circumstance collateral to that distress, the number of Absentees who were gone to take up their residence in foreign parts. The greater part of these were persons of quality and fortune, not only from England but from the whole empire. The petitioners calculated that in the city of Paris alone, there resided 10,000 families of English, Irish, and Scots: that these families consisted on an average of five individuals each; and the petitioners went the length of saying, that these persons do not spend less than a guinea a day each, or 50,000*l.* per diem, 350,000*l.* a week, and 18 millions a year [laugh]. This calculation, which certainly seemed at first sight enormous, was for Paris alone; while Boulogne, Calais, Tours, Bruges, Brussels, and almost all other cities of the continent were filled with English, who were in the habit of spending large sums. In these statements the petitioners were in part borne out by the noble marquis, who, in the course of his enlightened speech of last night, had said that no one could walk in any of the large towns of the continent without imagining that the British formed a large portion of the inhabitants. The petitioners also stated, that they viewed with alarm, the practice of sending abroad youth for education, a practice prejudicial to morals, and tending to sap our holy faith. The petitioners spoke of the injury to the revenue from the absence of so many persons of fortune, and further prayed the House to impose a tax on the property or income of placemen. They hoped also that the House would prevent money being paid to pensioners, sinecurists, placemen, or public annuitants abroad, except on actual service. He thought the feeling which actuated the persons who resided abroad an extraordinary one; for though the *bonus* was large, he would rather live in England on 50*l.* a year, subject to all the privations of such an income, than leave the country in an hour of difficulty. The *bonus* might be pleaded in excuse of the absentees; but it also might be pleaded in justification of the House, if they imposed a tax equal to the share of burthens which the absentees thus contrived to escape. There was another great temptation to reside abroad, from the advantage gained on transferring money to the continent, which on sending 100*l.* to Paris, was about 25 or 26 per cent [a laugh.] If the agricultural distress could be relieved, through the medium of a new tax of this sort, the suggestion of the petitioners might be beneficially adopted.

Mr. *Ricardo* wished to set the hon. baronet right, as to the state of the exchange, which was now, he could assure him, very nearly at par; and it was impossible it could be far otherwise, because with a metallic circulation in this country and in France, the exchange could never vary more than from ½ to ¾ per cent. As to the petition, he should be sorry to see its prayer granted; because a tax on the property or income of absentees, would hold out a direct encouragement to them to take away their capital, as well as their persons. Now, we had at any rate their capital, which was useful, though not so useful as if they also stayed at home. What most surprised him was, that the hon. baronet should bring such a petition forward, at the very time that he was proposing in the agricultural committee a resolution which might make all the articles of life, and provisions in particular,

attainable at the dearest rate. The hon. baronet was for high duties; the imposition of which would be the readiest means of compelling people of small fortunes to quit the kingdom. Of all the evils complained of, he (Mr. R.) was still disposed to think the corn laws the worst. He conceived that were the corn laws once got rid of, and our general policy in these subjects thoroughly revised, this would be the cheapest country in the world; and that, instead of our complaining that capital was withdrawn from us, we should find that capital would come hither from all corners of the civilized world. Indeed, such a result must be certain, if we could once reduce the national debt—a reduction, which, although by many considered to be impracticable, he considered by no means to be so. That great debt might be reduced by a fair contribution of all sorts of property—he meant, that, by the united contribution of the mercantile, the landed, and he would add, the funded interest, the national debt might be certainly got rid of. If this were done, and if the government would pursue a right course of policy as to the corn laws, England would be the cheapest country in which a man could live; and it would rise to a state of prosperity, in regard to population and riches, of which, perhaps, the imaginations of hon. gentlemen could at present form no idea. [Hear, hear.]

Mr. *Denis Browne* dwelt on the evils suffered in Ireland from the absentee system. All taxes were on consumption; so that they all fell on the resident gentry, while the absentees entirely escaped. One half of the men of property of Ireland were calculated to be absentees. It was disgraceful that in a country of statesmen and philosophers, such an evil as this should exist, and that we should despair of a remedy. He was disposed to apply himself to this practical evil, and not to draw sun-beams out of cucumbers.

Mr. *H. Gurney* said, he conceived the chancellor of the exchequer would have no small difficulty in assessing the tax, proposed by the petitioners on the income of absentees; though he had always thought the abolition of the property tax, and the thus throwing the weight of the whole taxation on articles of domestic consumption, was the greatest financial error committed since the peace. He entirely distrusted the statement of the petitioners, as to the enormous sums they conceived to be spent by Englishmen abroad; though they would naturally think that these millions, if spent, would be much more conveniently spent at Bath. In fact, the English abroad were, for the most part, either mere travellers, or persons living very economically; whilst, in the case of those who reduced large establishments in this country, and remained on the continent for any length of time, in most instances the chief part of their revenues went to pay off debts and incumbrances previously contracted, and took that direction at home, in which the money would be most usefully applied.—Mr. Gurney stated, that far from supporting the prayer of the petition, he was a friend to free ingress and egress to and from the kingdom [hear!]. There should, however, be no inequality in this respect. If the rich man might go abroad for convenience or amusement, surely the poor man should be allowed to go abroad for subsistence. [hear!]. He alluded to the laws against the emigration of artificers, which had recently been brought to his notice by a paragraph in a newspaper.—The hon. member read the following paragraph which appeared in the Morning Chronicle of Monday last:—"Saturday, Michael Donaghue, George Burgess, John Elliott, and Thomas Checkers, engineers, were brought to Bow-street, charged with attempting to leave the kingdom, for the purpose of conveying a knowledge of their art to foreigners, against the statute. The prisoners, together with a man named Featherstone, were in the employment of Mr. Martineau, an engineer, in White-cross-street. Some weeks ago a man named Craven made his appearance among the workmen there, and by liberal offers seduced them from their master and engaged them to go to Paris, where he had established several manufactories. Mr. Martineau got information of it, and Featherstone was apprehended before he left London. The others were followed to Dover, and apprehended there by Bishop, one of the principal officers. Bishop had a warrant in his pocket against Craven, but he had embarked before the officer reached Dover. The prisoners were committed for want of bail."—He knew the law under which these men were proceeded against was an old one; but whatever justice there might be in proceeding against Craven, as the seducer of artificers to leave the country, it was an extraordinary hardship that the men themselves should be pun-

ished for attempting to take their industry to a place where they saw the best choice of gaining a livelihood. He thought it incumbent on him to bring this case before the House, as a conversation had formerly taken place on the subject, between the hon. member for Aberdeen and the president of the board of trade, which led him to hope that this oppressive law might be repealed, and the poor man and the rich placed, as in all common sense, and common fairness they ought to be, on a footing of equal freedom. [Hear! hear!]

Mr. *Dickinson* thought that his right hon. friend (Mr. D. Brown) had put this question on its right footing: he had fixed the attention of the House to the main point of the petitioners—not to those who were travelling for their health, or to the youth of this country for instruction, for they too well knew the advantages of foreign travel—but to those who had fixed themselves habitually on the continent, and whose object was, to avoid the taxes, and expend their incomes in a foreign country, thereby stimulating the commerce and the agriculture of France with that capital which ought to stimulate the commerce and agriculture of England. What would happen when his hon. friend's (Mr. Ricardo's) project of paying off the national debt was accomplished, he could not pretend to say; but this he knew, that such a payment had been a vision that had inhabited the brain of many a speculative enthusiast, from the institution of that debt up to the present hour. He also knew, from experience and history, that emigrations were dangerous to the countries from which they sprung, and advantageous where they went: Holland, within the last two centuries, was a country almost wholly made by emigrations; and the revocation of the edict of Nantes had, according to historians, furnished 50,000 emigrants, who had increased the prosperity of England, of Belgium, and of Prussia, and inflicted a blow on France from which she had not yet recovered. He doubted the practicability of a tax on emigrants, but he would put it *ad verecundiam* to the emigrants themselves. He remembered to have read an anecdote of a Persian ambassador at Paris, who brought with him a sod of his native earth, and his first duty in a morning was to reverence it, in order that it might remind him that every act of that day should be something done for the benefit of Persia. If our stationary English emigrants had a sod, it would remind them, that every deed of theirs, while they were expending their incomes in France, would be something done to the detriment of England. In this absence of their patriotism, he would wish to press upon them one of the best maxims of antiquity: "Spartam nactus es; hanc exorna."

The *Chancellor of the Exchequer* thought the hon. member for Portarlington and other members had sufficiently pointed out the objections to the tax proposed, and the impossibility of carrying their wishes into effect. Of the many modes of taxing absentees, which had been suggested to him, none appeared to him practicable. Among the many absentees from Ireland, there were not a few who resided in England, and who, consequently, did not thereby evade their share of the taxes imposed generally upon the empire. He had taken considerable pains to ascertain the proportion of taxes which might have been borne by the absentees on the continent, had they remained in England, and he found that it did not exceed 5,000*l.* a-year, out of a taxation of between six and seven millions. Many of these absentees had found themselves compelled to go abroad, for the sake, probably, of retrenchment, or with a view to the arrangement of their disordered affairs. With respect to those persons who went abroad for the purpose of laying down a system of economy, who were vegetating rather than living, in different parts of Europe, he believed the most effectual way to bring them home, and to keep them here, would be to make this country as comfortable as possible for them. This would be in some measure effected by the fall of prices, but there were circumstances which must always contribute to make this country a dearer place of residence, than most parts of the continent. However, in proportion as prices became more equalized with those of the continent, the temptation to reside abroad would cease. For he was persuaded that there was not an individual, who possessed the common feelings that belonged to an Englishman, who would not, if he could, prefer living in his own country to a residence on a foreign shore.

Sir *I. Coffin* said, that the British officers residing abroad were driven there, not by inclination, but by poverty.

Mr. *W. Smith* expressed a wish, that the chancellor of the exchequer would bring

in a bill to remove the restrictions on the lower classes of mechanics, with respect to emigration. There was no law which prevented a man from carrying his capital to any country in Europe, and establishing a manufactory there; but, if one of his workmen attempted to follow him, he was liable to be sent to prison. Such a state of things had been most properly described as harsh and tyrannical. The right hon. gentleman had truly said, that the best way of inducing emigrants to return to this country would be, to make England a cheaper and more comfortable place of residence. This was not to be effected, however, by raising the price of corn, which was one of the objects of the bill now passing through the House. To suppose that the condition of the people could be materially improved by a reduction of the interest of the debt was one of the grossest delusions that had ever been practised on the country. Reduction of taxation might afford some relief; and to that object ought the efforts of parliament to be mainly directed.

Ordered to lie on the table.

Embassy to the Swiss Cantons.] Mr. *Warre* rose to bring forward the motion, of which he had given notice, relative to the embassy to the Swiss Cantons. He could assure the House, that in return for the favour of their attention, he would confine himself strictly to the subject of his motion, without going into the consideration of the general question, which was discussed last night. The object at which he aimed was a reduction of the expense of our embassies. By the return which had been laid on the table, it appeared, that from the year 1750 to 1783, four ministers had been sent to the Swiss Cantons at a salary of 1,572*l.* From the year 1783 to 1792, an individual named Braun, who had been alluded to last night, discharged the functions of chargé d'affaires in the Swiss Cantons for a salary of only 280*l.* Whether, in the reductions which were made in 1786, Mr. Pitt bore in mind what had taken place at Paris three years before, he could not pretend to say, but he could assure the noble marquis, that if he took the liberty of alluding to the salary of the American ambassador, it was neither with the design of subverting the monarchy, nor from any desire to wage war upon the constitution. If the general sort of charge which had been thrown out by the noble marquis meant any thing, it would operate as a *veto* against ever naming the salaries of American ambassadors, lest the parallel should have the effect of overturning the existing institutions of Great Britain. He would venture, then, to suggest the possibility, that when Mr. Pitt reduced the salary of the minister to the Swiss Cantons, he recollected the fact of Dr. Franklin, who had been sent by the rising republic of America as ambassador to the court of Paris, and who in point of diplomatic skill completely over-matched our own ambassador, lord Stormont, at a salary of 1,000*l.* a year, including the expenses of his secretary. The noble marquis had become so fastidious that he could not bear to hear any allusion made to the establishments on the other side of the Atlantic; but he (Mr. W.) could not see why it was not quite as justifiable to allude to the institutions of the modern republic of America, either for the purposes of illustration, or with a view of holding them up to the imitation of our own country, as it was to advert to the ancient republics of Greece or Rome.—He now came to the period at which the scale of expenditure, with regard to the Swiss missions, underwent a change, namely, from 1792 to 1798. It was true, that the scale adopted by Mr. Pitt was much higher in point of salary than that received by Mr. Braun; but he begged the House to consider what was the state of Europe at the period when Mr. Wickham began to negociate with the French republic in the year 1796. Buonaparte was at that time victorious in Italy, Belgium was conquered, and, in fact, Switzerland was the single isolated spot in Europe in which we were able to establish a mission. He begged leave to call the attention of the House to a document which proved the importance of this mission, arising out of the peculiar circumstances of Europe at that period.—[Here the hon. member read an extract from a letter addressed by our minister plenipotentiary to the Swiss cantons to the minister of the French republic, desiring to be made acquainted with the disposition of the French republic towards a negotiation for the general pacification of Europe.]—From the year 1799 to 1814, with the exception of a special mission for a short time after the peace of Amiens, the state of Europe rendered it impossible for this country to send any embassy to the Swiss cantons. At the peace of Amiens, lord Liverpool,

then lord Hawkesbury, did send a gentleman of the name of Moore on a sort of special mission, who remained out of the country a few months and then returned. The next period was that from 1814 to 1820, when Mr. Stratford Canning was sent as envoy extraordinary and minister plenipotentiary to the Swiss Cantons. The noble lord had stated last night, that the object of Mr. Canning's mission was the organization and restoration of the Swiss territory; and he had referred to the treaty on the table, of April 1815, from which it certainly appeared, that a considerable degree of diplomatic business had been transacted in Switzerland. The declaration of the allied powers, in regard to the Helvetic confederation, was made on the 20th March, 1815; on the 3rd of April in the same year, the diet of Zurich was attended by the different ministers of the allied powers, among whom Mr. Canning was present on the part of this country, and baron Krudener, as chargé d'affaires for the Russian government. The result of their deliberations was, the re-incorporation of the three cantons of Le Valais, Geneva, and Neufchatel. A protocol was also signed by the different ministers relative to certain cessions made by the king of Sardinia to the Swiss Cantons. The object of the allied powers was to restore Switzerland to its former state in point of territory, and to guarantee its neutrality; and he believed the territorial state of Switzerland was now just what it was in 1796. The argument of the noble marquis, therefore, for the necessity of a minister plenipotentiary to the courts of Wirtemburg and Bavaria, on the ground of the territory of those countries having increased, could not apply to Switzerland. The noble marquis had said, that the House was not to estimate the necessity of a mission to any country from the quantity of direct business which might be transacted there. He (Mr. W.) professed himself utterly at a loss to conjecture the nature of the diplomatic intercourse between this country and the Swiss Cantons. If dispatches were sent there with a view of being afterwards forwarded somewhere else, why, he should be glad to know, were they not sent directly to the ministers to whom they were addressed? The avowed object of the mission in 1815 was the maintenance of the neutrality of Switzerland. Now, how could neutrality be violated except by hostile aggression from without? France was sufficiently disposed to violate that neutrality in 1798, and it was possible that she might be disposed to violate it now. But it was not the resident minister in the Swiss Cantons who could first discover such hostile dispositions and make the necessary communications to the secretary of state. It was the minister of the hostile government, who, if he had any eyes or ears, would first be able to observe the increase of military force, the disposition to infringe existing treaties, and other indications of a hostile character, which he would of course communicate to his government at home. There could be no necessity, therefore, for so expensive a mission as that of 1815, for the mere purpose of preserving the neutrality of Switzerland. Neither he nor his friends around him could be charged with inconsistency, on the ground of having formerly supported the establishment of 1815, for it would be recollected, that when the noble lord brought down an amended estimate for that establishment, the right hon. member for Knaresborough (Mr. Tierney), moved for a committee of inquiry, and, subsequently, on the motion for bringing up the report, the same right hon. member made another attempt, by proposing an amendment, to induce the House to pause before it sanctioned that establishment.—It was sometimes urged as an argument in support of diplomatic establishments, that it was necessary to keep them up on a scale of relative intercourse, and that if a foreign power sent an embassy to this country, it was necessary for us to return the compliment. Now, he intreated the House to mark how impossible it was to apply this argument in the case of Switzerland. Let the House mark the conduct of Switzerland with regard to her missions. Fixed missions she had none; whatever embassies she had sent to this country had been special. The last mission which Switzerland sent to this country, was in 1815; so that as soon as her neutrality had been guaranteed, and her thanks recorded in the face of Europe, she recalled this special mission. If he were asked, why he had not objected to the establishment of the Swiss mission in 1816 or 1817, he would answer by an observation which he had often made, and the truth of which he believed was undeniable; namely, that that House, notwithstanding all its collective wisdom and all its united talents, could never attend

to more than one thing at a time. As a proof of this, he begged to recall to their recollection the exclusive interest which the discussions relative to the late Queen had excited in that House. During the time that such questions were under discussion, he would ask if the present question would have obtained a hearing? He would bear in mind that during that time the question of parliamentary reform itself could not be brought forward, as there was not even a chance of getting the House to listen to it. Immediately previous to this they had the Manchester business. In 1815, the time when the civil list was discussed, they were engaged, not in settling whether a pacific ambassador should be sent to this or the other court, but whether that military monster which had taken hold of the continental nations, should also take hold of us—whether we should in the time of profound peace, keep up a standing army to the amount of 99,000 men? In 1817, there was the suspension of the Habeas Corpus, and the passing of the Indemnity bills; and, in 1818, there was the immediate prospect of a dissolution of parliament, and the members were more intent upon what was to go on out of doors, than what was going on within. It would be borne in mind, however, that for twenty months previous to the time at which the appointment was made, there had been no minister plenipotentiary sent out. That the present minister had been sent, some might be disposed to call a political arrangement, and others an accommodation granted to a party. He hoped, however, that he should be indulged in what he had to state. He had no objection whatever to the gentleman who held the mission, or to the mode in which he had been appointed. His sole objection was to the mission itself. The noble marquis had said, that the views of ministers had been misunderstood; but he would beg leave to refer the noble lord to what took place when the address of last June was voted. That address to the throne was for economy and retrenchment generally, and particularly for a revision of the civil list. Now, the House would never surely have alluded to that subject in an address to the sovereign, if they had considered all the details of the civil list as permanently settled four or five years ago. He would not have called the attention of the House to the question, unless it had been for the necessity of some alteration in our system of expenditure. An alteration must take place: and if the House would go into no inquiry, and propose no measure to that effect, he knew not how they could appear before the tribunal of the country. If it had been found that during twenty months they had had no mission to the Swiss Cantons it was in vain to appeal to the precedent of count Capo d'Istria, or of any other chargé d'affaires. If we had suffered nothing during these twenty months, he would ask the noble lord why Mr. Disbrowe should not have been continued? It might indeed be said, that the civil-list bill, regulating those missions, had passed. His noble friend the member for Huntingdon had endeavoured to procure a delay in the passing of that bill, by moving a delay in the bringing up of the report. He (Mr. W.) had supported that motion for delay, and therefore there was no inconsistency in his present proposal. The noble lord had, if he rightly understood him, said, that the mission now was put upon the same footing as in 1792. It would be borne in mind, however, that lord Robert Fitzgerald was appointed in 1792, and that being, if not the first year of the war, at least the year immediately previous to its commencement, rendered the case quite different from the present. The noble marquis had indulged, good-humouredly he would allow, in accusations against the proposers of such motions as this; but he hoped the noble marquis would bear in mind that he had encouraged the bringing forward of such proposals. At the very threshold and opening of those discussions with which the House had been occupied, the noble lord had said, and called upon the House to mark his words, that he admitted the general necessity of retrenchment, that he recognised the principle to its full extent, and only wanted to have the particular instances pointed out to him in order that he might agree to them. Now, he would take the noble marquis on his own ground. He would show that Mr. Disbrowe had performed all the duties upon a salary of 1,595*l.* subject to a deduction of 10 per cent, while the new establishment would cost 3,900*l.*, subject, of course, to the same deduction. Comparing the one of these sums with the other, the continuation of Mr. Disbrowe, which had produced no inconvenience during twenty months, would produce a saving of a considerable sum. This was the sum of the saving of which he con-

tended; and he felt that he stood upon strong grounds. It exceeded the salary of either of the lay lords of the Admiralty. or that of the joint-postmaster-general. He had not alluded to this particular case because of any unfitness on the part of the gentleman who held the office, but it ought to be borne in mind that there were others which were in every respect worse. He would have held it unfair to select Mr. Wynn as the sole object against which measures ought to be directed. He was aware that the measures, against which his motion was directed, might be defended, on the ground that they had been settled in the year 1814 or 1815, when the troops of the country had just returned victorious from Waterloo, and the noble marquis had come from his conference with the potentates of Europe. At that time parliament could not refuse the noble marquis any thing which he might choose to ask, but he should doubt whether the noble marquis would hope for such complaisance from the House now. He would like to hear him propose now the building of Dutch fortresses, or the granting of a loan to Prussia. He hoped that he had confined himself to the general question, and that he had so conducted it as not to give unnecessary offence to those against whom it appeared in the particular application to be directed.—The hon. gentleman then moved a series of resolutions, detailing the history of the mission from 1750 down to the present time, to the effect stated in his speech. To the last resolution he begged the particular attention of the House, for it was the only substantial resolution which put the question in issue. It was "That it appears to this House, that without detriment to the public service, the charge of the Mission to the Swiss Cantons might be reduced to a scale of expenditure not exceeding the sum annually received by lord Robert Fitzgerald and Mr. Wickham, from May, 1792 to January, 1798, and for which sum the duties of the said Mission have practically been performed for one year and eight months preceding the recent appointment of Mr. Henry Wynn."

The Marquis of *Londonderry* said, that having had occasion last night to address some observations to the House upon this subject, and considering the very liberal and certainly very fair manner in which the hon. member brought forward the question, he should not think it necessary to trouble the House at any length. He trusted that if the House last night, would not consent to have the estimates generally submitted to a committee last night, they would not take this particular branch of them for inquiry, unless there appeared to be something very incorrect in it. If this part was as correct as the rest, why should it be selected for inquiry? If the House consented to this proposal, how many more would they put at issue on the same principle. It was the more necessary to take their stand here, because it appeared to be one of a series of motions of the same kind. The hon. gentleman had no objection to the individual who filled the office in question; he admitted his station in the country to have fitted him for the office; he admitted, too, that his having had a pension was an additional recommendation. Under these circumstances the selection of Switzerland must appear surprising. This particular choice seemed to have been made from regard to the right hon. gentleman (Mr. Tierney), who would no longer call the president of the board of control (Mr. Wynn), his right hon. friend, though others continued that courtesy towards him. This was the usual practice of the right hon. gentleman, to withdraw his friendship from those who happened to join his majesty's government. In this way only could he account for the particular attention now given to the mission to Switzerland. But it appeared that no sooner should this motion be disposed of, than another hon. member would come forward with a similar proposition respecting another mission. If, therefore, he last night objected to going before a committee, because, though he had great confidence in committees of that House, he did not think a committee fit for such a purpose, much more must he object to the present proposition. Already Wirtemburg and Bavaria were almost on the notice for addressing the Crown that the missions to them should cease. If, then, it was not the habit of America, that favourite example, to ask such an account of the executive—for a very large sum had been voted that missions might be sent to South America, without inquiring what character of missions, or what scale of expense, was to be adopted, for Buenos Ayres, for Colombia, Chili, or Peru—were we to become less monarchical than America? The present proposition went to establish the practice, that if it could be proved that an individual had ever received less money on any occasion, or if there

had been a cessation in any respect in a mission, then the presumption must be against ministers, and the onus must be thrown on them of justifying their conduct not only in the face of parliament, but in the face of the public at large. If he were to submit to such a practice, the House must indeed think him unfit for his office. An argument more strained than the hon. member's through all his details to establish his conclusion, he had never heard. It was founded particularly on the case of Mr. Braun, who had been there from 1782, to 1792. When he had adverted to this case last night, he had supposed that this appointment had been a sentence of degradation—a punishment for diplomatic offences. He had since inquired what had been the fact, and when he stated it, it would perhaps decide the question, whether there ought to be a wish to imitate all the circumstances of this case. He was not sure that it would be thought convenient or more economical by the gentlemen opposite, that all dispatches should be written in the French language. Mr. Braun had been an old Swiss officer on half-pay, attached, it was true, to this country. Mr. Norton, whose secretary he had been, had left him behind him there; but why no change had been made for nine years afterwards, he (lord L.) had not been able to ascertain. It might have been done to mark some displeasure felt towards the Swiss Cantons. It was not known what feeling might then have existed towards Switzerland. It was, however, a common mode of showing a feeling of coldness to appoint a minister of inferior rank, or with inferior salary. Those things had often been done; but if the doctrine now contended for were established, it could not happen in future, without the consideration of all its circumstances on the floor of the House. He believed Mr. Braun had been a very honest man; but he could not trace the influence of his mission in that country. From the period of 1792, when hostilities broke out, he could discover nothing to lead him to believe that any valuable consequences had resulted from Mr. Braun's having resided during those years as our minister in Switzerland. He did not think it safe to adopt the plan of the hon. member, and to withdraw our minister at the conclusion of a negotiation, and then wait till an extraordinary courier should announce that the neutrality had been actually violated. He did not believe, that our minister, when sent back, would find the country in the best spirit to co-operate with him. He could not agree to the proposition, that we should not have a minister, unless there should be active employment for him where he resided. It was his business to ascertain what counsels they were about to adopt, and what other counsels might be suggested to them. Upon considering the facts detailed by the hon. member, he would contend that the whole stream of policy was in favour of the present appointment. Mr. Braun had been there from 1783; but in opening his case the hon. member had forgotten the different circumstances in which Mr. Wickham and lord Robert Fitzgerald had occupied the same station. Lord Fitzgerald had been there for four years, from 1792 to 1796, when he was succeeded by Mr. Wickham who, for a short time, had been chargé d'affaires, but was afterwards minister plenipotentiary till the peace of Amiens. But really he was fatiguing the House by proceeding in this argument, since no objection had been made to the individual. He could not see that any ground had been stated for the motion. Though the hon. member had introduced it in a very fair and liberal manner, still he must say that there appeared in other quarters a very uncharitable desire to run down the character of a private individual. He trusted, however, that the House would oppose itself to that desire, and would protect the characters of public men against dark hints and unfounded insinuations. He should not trouble the House with any further observations at present, as he was confident, from the vote of last night, that gentlemen had made up their minds to travel in the paths of their ancestors, which had conducted the country to greatness, power, and honour, and not to deviate from them into principles which were not admitted to be sound even by such states as acknowledged a democratical form of government.

Lord *Normanby* said, that though he contemplated no such effect as the resignation of the foreign secretary, he nevertheless indulged the hope of seeing the noble marquis continue in office, without the appendage of a Swiss Envoy, at an expense to the country of 5,000*l.* a year. He disclaimed all personal objections. He did not deny the competency of the gentleman who held that appointment to fulfil the duties, if by any accident duties were imposed on him. But

he did resist the extravagant and extraordinary salary which he was to receive. For what was that large salary granted? For nothing that he could fancy, but to allow the hon. Envoy to enjoy the rural romance which Swiss scenery afforded, or to indulge those pleasures of a magnificent hospitality, to which the noble marquis, in his speech of last night, had attached such importance.

The previous question was moved on the first resolutions and carried. On the last resolution the House divided: Ayes, 141; Noes, 247. Majority against the motion, 106.

List of the Minority.

Althorp, lord
Abercromby, hon. J.
Anson, sir Geo.
Bentinck, lord W.
Burdett, sir F
Boughey, sir J.
Bright, H.
Birch, Jos.
Bennett, John
Browne, Dom.
Bonham, I.
Beaumont, T.
Benyon, B
Brougham, H.
Barnard, lord
Bennet, hon. H G.
Barret, S. B. M.
Belgrave, lord
Bernal, R.
Byng, G.
Bury, H.
Burrell, sir C.
Curwen, J. C.
Crompton, S.
Campbell, hon G P.
Carter, John
Cavendish, C.
Concannon, Lucius
Caulfield, hon. H.
Curteis, E. J.
Chaloner, R.
Crespigny, sir W. De
Colburne, R.
Calcraft, J. H.
Cavendish, lord G. A. H.
Cavendish, H.
Calvert, C.
Coffin, sir I.
Calvert, N.
Davies, col.
Denman, Thos.
Denison, W. J.
Ellice, Ed.
Evans, W.
Ellis, hon. G. A.
Fergusson, sir R. C
Fitzgerald, lord W. C.
Fitzroy, lord C.
Frankland, R.
Farrand, R.
Graham, S.
Grosvenor, hon. R.
Grant, J. P.
Grattan, J.
Grosvenor, gen.
Gurney, R. H.
Griffith, J. W.
Gaskell, Ben.
Gurney, H.
Hotham, lord
Hume, Joseph
Haldimand, W.
Heathcote, G.
Howard, hon. W.
Hill, lord A.
Hornby, E.
Hurst, Robt.
Hutchinson, hon. C. H.
Hobhouse, J. C.
Honywood, W. P.
Hughes, colonel
James, W.
Johnson, col.
Kennedy, T. F.
Lethbridge, sir T.
Lamb, hon. G.
Lester, B. L.
Langston, J. H.
Lennard, T. B.
Lockhart, J. I.
Leycester, R.
Lemon, sir W.
Lloyd, sir E.
Latouche, Rt.
Monck, J. B.
Maberly, J.
Martin, J.
Mostyn, sir T.
Mahon, gen.
Maxwell, J.
Macdonald, J.
Mackintosh, sir J.
Marjoribanks, S.
Marryatt, J.
Moore, Peter
Milbank, M.
Maberly, J.
Newman, R.
O'Callaghan, colonel
Ord, W.
Palmer, col. C.
Power, R.
Prittie, hon. F.
Pym, F.
Palmer, C. F.
Peirse, H.
Powlett, hon. W. L. F.
Pryse, P.
Ricardo, D.
Robarts, colonel
Robinson, sir G.
Rumbold, C. E.
Russell, lord J.
Ramsbottom, J.
Robarts, A. W.
Rice, S.
Rickford, W.
Ridley, sir M. W.
Ramsden, J. C.
Russell, G.
Stanley, lord
Scarlett, J.
Sefton, lord
Smith, R.
Smith, W.
Stuart, lord J
Sykes, D.
Scudamore, R. P.
Tierney, rt. hon. G
Titchfield, marquis of
Tavistock, marquis of
Tynte, C. K.
Western, J. T.
Wilson, sir R.
Williams, J.
Whitbread, Sam. C.
Wilson, T.
Wood, alderman
Williams, W.
Whitmore, W.
Whitbread, W. H.
White, L.

TELLERS.

Warre, J.
Normanby, lord

IRISH POOR EMPLOYMENT BILL.] Mr. *Goulburn* rose to move for leave to bring in a bill "for the Employment of the Poor in certain districts in Ireland." The chief object of the measure was, he said, to enable the population to earn their subsistence by their own exertions, as the greatest and most substantial benefit that could be conferred upon them. It was well known, that there many large tracts of land in Ireland utterly impervious, where there was little or no communication, and where crimes were frequent from the means afforded of escape. By the present measure, it was proposed to place a certain sum at the disposal of the lord lieutenant, to be by him applied to the construction of new roads, in those districts where the suffering was most severe. The work, it was intended, should be executed, not under local authority, but by officers appointed immediately by government. A want of means had hitherto prevented the counties in question from undertaking this improvement but as soon as the advantages were realized, and the estimates of their expense submitted to the grand juries, no doubt could be entertained of their disposition to repay the sums advanced.

Sir *W. De Crespigny* felt anxious that the benefits of this measure should be rendered permanent.

Mr. *S. Rice* warmly approved of the bill, as one of the wisest measures that could be adopted.

Sir *E. O'Brien* complimented the

liberality of the English people for the manner in which they had come forward, and expressed himself favourable to the bill.

Mr. *Brougham* was willing to give his consent to the bill, provided he did not bind himself by so doing to any approbation of the conduct of government, with respect to the affairs of Ireland.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Friday, May 17.

Distress in Ireland.] The Earl of *Darnley* adverted to what he had said on Wednesday, respecting the distressed state of a part of Ireland, and wished to know whether the noble earl was now prepared to give the date of the first communication from the government of Ireland respecting an apprehended scarcity in that country.

The Earl of *Liverpool* said, he had no hesitation in giving the information requested. The marquis Wellesley in the course of a few days after he had taken upon him, the government of Ireland, had resorted to measures for the purpose of obtaining information as to the state of Ireland, both politically and with regard to the supply of food. It was found, that at that period there was a great abundance of articles of food, and at low prices, and no apprehensions were entertained of any scarcity. He thought it right here to observe that great delicacy and difficulty were necessarily involved in any question of interfering with regard to the supply of food; as such interference tended to do much mischief by interfering with individual speculations, and enhancing the price of articles of the first necessity. The only measure resorted to in this part of the empire with reference to such a subject, was the measure during the scarcity of 1800, of granting a bounty upon the importation of grain, and he believed all were now agreed that that measure did more harm than good, as the grain would have been sold at a cheaper rate, had the bounty not been given. He was fully aware that such a state of distress, under peculiar circumstances might exist, as to render it absolutely necessary for government to interfere; but still it was highly essential that such interference should only take place when it became unavoidable. It was in this view of the subject that the state of Ireland was looked to; and though it was desirable to avoid all interference on the part of government as long as possible, yet a strict watch was kept as to the state of that part of Ireland where distress was beginning to appear. It was found that only one article of food, that of potatoes, had failed, and that much distress had in consequence arisen in the county of Clare; but it was found at the same time that the oats were used for the purposes of illicit distillation, and that there was actually an exportation of grain going on from that county. The distress, however, was at length found to be of that character and extent, that government interfered at the commencement of April, by cautiously sending a supply of food, and afterwards a supply of potatoes for seed. But whilst he felt that the government could not delay sending a supply for the relief of the distress that existed, he had looked to other sources as a much more eligible mode of relief; and he had with that view encouraged as much as possible the subscription which had been set on foot, and which had been so liberally supported, for the relief of the distress in Ireland.

The Marquis of *Lansdown* agreed with the noble earl in his general principles, with regard to the inexpediency of the interference of government, in the supply of the markets; [illegible] should be recollected that there was a distinction between the case of a general scarcity, and that of the partial failure of a particular article of food. In the present instance, the distress had arisen, not from any general scarcity, for on the contrary, there was an abundance of grain; but from the failure of one article of food, that of potatoes, and that too in the garden of the peasant, and upon which he depended for subsistence. Though, undoubtedly it would be highly inexpedient to interfere with the markets in the case of a general scarcity, yet under the special circumstance of the partial failure of one article of food, it became absolutely necessary to extend relief; and therefore it was, that he rejoiced in the liberality of those individuals who had so promptly entered into a subscription for the relief of that distress. He highly approved also of the bill brought into the other House, for affording employment to the poor of Ireland. The fact was, that the poor peasants, whose potatoes had failed, had been compelled to resort for subsistence, to the

consumption of their pigs and cows, and were left without the means of paying any rent. The landlords, who depended upon their rents, were thus compelled to suspend all the works they were carrying on; the labourers employed in those works were in consequence discharged; and thus the distress was continually increasing. He trusted, that as in the beginning of the session their standing orders had been suspended, for the purpose of passing coercive measures with regard to Ireland, there would be no hesitation in now adopting a similar course with reference to a measure for relieving the poor of that country, by affording them the means of employment.

HOUSE OF COMMONS.

Friday, May 17.

ROMAN CATHOLIC PEERS BILL.] The bill was read a third time. On the question, that it do pass,

Mr. Secretary *Peel* said, that as the bill had undergone a full discussion, and as the sense of the House had been fairly taken on the subject of it, he would not persist in what he had no doubt must be an unavailing opposition. He trusted, however, that his not pressing the House to another division, would not be construed into any want of decision, or any diffidence of the opinion he had delivered on this important bill.

Mr. *Canning* could not do justice to his own feelings, or to the conduct which had been pursued by his right hon. friend, if he did not declare, that the course he had pursued upon this occasion reflected on him the highest credit. Entertaining the strong sentiments which his right hon. friend was known to cherish upon this subject, it was impossible that he could have acted in a more candid, a more liberal, or a more handsome manner. Next to the gratification he should have felt in having his right hon. friend for a supporter, was the satisfaction of having had such an opponent.

Sir *T. Lethbridge* said, he could not arrest the progress of the bill in that House; but he might at least be allowed to thank God, that there were three estates of this realm—the King, Lords, and Commons.

The bill was then passed.

WEST INDIA AND AMERICAN TRADE BILL.] Mr. Robinson moved the second reading of this bill.

Sir *W. Curtis* asked, who had called for such a measure? None, but such as acted from motives entirely interested. He should oppose the bill in every stage, on account of its decided interference with those navigation and revenue laws, under which the kingdom had flourished during so long a period. The only advantage that could accrue from it must be to America; since, it would allow her ships to load at ports in our West India colonies, and to sail directly for the United States.

Mr. Serjeant *Onslow* conceived, that upon every ground of justice, policy, and humanity, the country was bound to thank his right hon. friend for bringing forward this bill. Since the period at which the existing laws were framed, the country had acquired, by the result of two successful wars, a large addition of extensive, valuable, and important colonies: and towards those colonies, the measure was an act of absolute justice.

The bill was read a second time.

COLONIAL TRADE BILL.] On the order of the day for the second reading of this bill,

Mr. *Fowell Buxton* rose to remind the House, that last year the chancellor of the exchequer had stated, that a proposition, as to East India sugars being imported into this country on the same terms that sugars from the West Indies were, might be referred to the committee on foreign trade. That, however, had not yet been done; and as this bill greatly interfered with the question of adopting such a proposition, he wished to ask the right hon. gentleman when it was intended to bring it forward? Certain facts had recently come to his knowledge which attached additional importance to this question. By a very able pamphlet lately written by an intelligent merchant of Liverpool, a Mr. Cropper, it appeared that the tax levied by the West India importers upon the public in profit on their sugars, over and above the profits which the public would have to pay on other sugars, was no less than 1,500,000*l.* per annum. Now, to that pamphlet an answer had been published, under the sanction of the West India merchants; and even there it was admitted, that West India sugars were sold at 5*s.* per cwt. dearer than sugars from the East Indies could be sold at,

supposing the rate of duty to be the same. Now, 5*s.* per cwt. was equivalent to 5*l.* per ton; and it being admitted that 200,000 tons were annually imported into this country, here was a tax of 1,000,000*l.* a-year paid by the consumer on West India sugars, in consequence of the West India monopoly, and for the sole benefit of the West India merchants. The East India merchants, as he understood, had prepared a petition to that House, in which they represented, that if an *ad valorem* duty were imposed upon "all" sugars imported into this country, according to their quality, the price to the consumer would be greatly reduced, and the consumption itself very largely increased. They conceived that sugar, which now fetched 6*d.*, would in that event realize not more than 3*d.* per lb., and that the effect of such a reduction of price would relieve the country, taking into consideration the entire annual importation and the average annual prices, from a tax of not less than 16,000,000*l.* per annum. He did not pledge himself for the accuracy of this calculation; but, taking the result to be only in fact 8,000,000*l.*, nay, if it were only 4,000,000*l.*, the question for the consideration of parliament became one of immense importance. The value of the East India trade had increased in a most extraordinary degree. The cotton sent hither in 1792 was not more than 100lb. In 1813, it had increased to 100,000lb.; and in 1820, to 1,000,000lb. No parliamentary return, subsequently to 1820, had yet been obtained; but he had every reason to think that the importation, which in 1792 was to the amount of 100lb. only, would be found to be, in 1822, 2,000,000lb. There seemed to be, in short, no saying to what extent this trade might increase. He believed he was warranted in saying, that no return was so valuable as sugars. Sugars were in this country always a marketable commodity to the importer; and from their weight and stowage they were almost the best article to the freighters. He thought it would be found that a matter of greater importance could not be brought under its notice.

Mr. *Robinson* said, he did not happen to be in the House when the discussion to which the hon. member alluded took place. The fact, however, was, that last year an act was passed, imposing a duty upon East India sugars, which act would expire this year. If it should be proposed to parliament to renew that act, the discussion to which the hon. gentleman seemed desirous that the House should now be led, would in due course come on. At the same time, it did not naturally follow the adoption of such a bill as the present, that the duties on East India sugars would be assimilated to those which were paid on sugars imported from the West Indies.

Mr. *Bright* thought, that the East India question stood on very different and distinct grounds from any upon which the interests of our West India colonies could be imagined to rest. The East Indies by their natural situation could not be made more accessible to the rest of the commercial world than they now were. The nature of our communication with them was liable to very little alteration. But in regard to our intercourse, and the intercourse of other powers, with our West India colonies, we were very differently situated. He, therefore, implored ministers to put the minds of those who were interested in the West India trade at rest, by specifically declaring what were the intentions of government. A very large capital was embarked in this extensive branch of our commerce; and a very strong and painful interest was excited among its principal members, as to the ultimate views of ministers with respect to this [illegible].

Mr. *W. Williams* said, that the hon. gentleman who had just sat down appeared to be against all monopolies but the monopoly enjoyed by the West India merchants. The great object of the bill was, to allow to our colonies free intercourse and communication with every part of the world; and he apprehended that if the trade in sugar was not thrown open, considerable mischief must ensue to the commerce of Great Britain. Under the present regulations, the consumption was rather declining than increasing. In the short period of three years the quantity of sugars on hand had diminished from 82,000 to 62,000 hogsheads. If sugars were allowed to be exported to every part of Europe, the consumption would be very materially increased.

Mr. *C. R. Ellis* thought, that the East India merchants had no just claim to such a benefit as the hon. member for Weymouth had put in for them. They were, in effect, asking for the ruin of those who had virtually abolished the slave-trade. The representations of those for whom

the hon. gentleman desired to interest the House were confined to a prayer for permission to participate in the monopoly, as it was called, of the West India colonists and merchants. This was the whole claim. It would be necessary to inquire what were the rights of the West India traders; and what would be the expediency of granting the claim of the East India traders? The rights of the former were comprised in this—a compensation for certain restrictions imposed upon them by the mother country, for the general benefit of the state. Was the trade of the East India interest subject to the same restrictions as that of the West India merchants? Was the trade between India and England limited exclusively to British goods? Had parliament imposed, in favour of the West India merchant, any protecting duties, such as those contained in the schedule annexed to the bill now before the House? He considered that our Indian possessions were, in respect of a foreign trade, precisely in the state of an independent empire. Our Indian empire, then, was not to be considered in the light of a mere colony. Its trade was not subject to the restrictions under which the West India trade laboured, and was not therefore entitled to participate in those benefits which had been given to the latter, in compensation for such restrictions. As to the question of expediency, were he to go into the discussion of that, he must open no less a subject than the whole system of our colonial policy. He would therefore conclude, by protesting against any attempt at connecting together the two distinct questions of the East India and West India trades.

Mr. *T. Wilson* feared, that the bill would do but very little good to the West India trade; and if it did not effect a positive good to that interest, he thought it was likely to be productive of mischief somewhere else.

Mr. *Money* contended, that the East India merchants had been treated with injustice and partiality by the legislature. It had refused to receive the cotton manufactures of India without a duty amounting to prohibition; while it had compelled the inhabitants of the East Indies to receive our manufactures without the payment of any duty.

Mr. *W. Smith* said, he did not wonder that gentlemen were anxious to press this subject forward now, because the longer it was postponed the greater would be the opposition to it. This was no other than a question between Great Britain and the West India colonies; but he believed that the measure would be of little advantage to the latter. There had been a mutual monopoly between Great Britain and her West India possessions; and this measure was disadvantageous to the latter; for the gain, whatever it might be, would be made out of the pockets of the consumers. The hon. member censured the mode in which the legislature had long proceeded upon this subject, and adverted to the steps taken by the House in 1753. He was favourable to an equality of advantage between the colonies and the mother country; but he did not understand that kind of liberality which consisted in giving every thing, and receiving nothing; and in this case he certainly saw no reciprocity whatsoever. Was the country in a situation to depart from the system which had so long prevailed with respect to the colonies? That point ought to be considered before they adopted a new code of legislation on so important a subject. If the colonies were likely, in common with the public, to derive benefit from this measure, he of course would not oppose it; but he believed that that which was denominated a boon would not be advantageous either to the one or the other. If the trade were thrown completely open—if the colonies were allowed to send their produce direct to every part of the globe—then the people of this country would say "We must seek our supply from every part of the globe;" and thus the ordinary proceedings of commerce would be completely unhinged. It was urged, by those who were favourable to this measure, that East India sugars were now allowed to be exported to the Mediterranean; and therefore it was argued, that the monopoly had been given up. But, if the agreement between the mother country and the West India colonies were broken to that extent, it was a gratuitous concession on the part of government; and those who called for an extension of the trade had no right to turn about and say, that because a certain point had been given up, the West India colonies were bound to part with all their privileges. Another question was, at what time was this bargain made with the colonies? because, he believed it would be found, on reference to the period, that the population had increased so much since as to

create a greatly extended demand for sugars; and if that commodity were sold at a moderate price, there could be no doubt but that much of the stock which the petitioners had on hand would find consumers. How far the general prosperity of the state would be improved by this measure, he did not now consider. He viewed the question, with reference to a particular interest, and he would say, that this monopoly ought either to be kept entire, or to be destroyed altogether.

Mr. *Barham* said, that his hon. friend in speaking of the monopoly, had said that they ought to possess it entire. Not only did he subscribe to that doctrine, but every man in the colonies assented to it. They considered it as their charter. It was on the faith of that agreement that those who preceded them had formed their great colonial establishments. If it was violated, it would be an act of gross injustice, and the colonial interest would be absolutely annihilated. But, it seemed, there had been an invasion of that monopoly; and that was used as an argument for destroying it altogether. Now, if there had been an invasion of that monopoly, it was not effected for the sake of the West India interest; and if, for the purpose of serving some other interest, the West India proprietors gave up a certain right, it was not fair to turn round on them and say, "Your contract is broken, and the monopoly shall be destroyed." This would be a most violent and a most unjustifiable doctrine. Perhaps this measure might do good. He did not say that it would or would not. But why should a measure be introduced which would deprive the West India proprietor of a privilege which had long been his, on account of some incidental, some contingent benefit? Why should he, for such a speculation, be reduced to a mere nonentity? With respect to the right of trade which had been granted to Demerara and Berbice, it had been asked, why, at the time, some representation was not made on the subject? He had only to answer, that representations were made. At that time there was an abundant supply of colonial produce, and the act of the minister, on that occasion had tended to create the present distress. The West India merchants remonstrated in every way they could; and he was one of a deputation that waited on the minister, and argued the question with him. He (Mr. B.) then foretold what distress would ensue; and unfortunately his view of the consequences was but too correct. The West India proprietors were suffering heavy losses. Their great object was, to find subsistence for the poor creatures on their estates. As to profit, it was quite out of the question. Unless some revulsion took place which should restore the trade, and encourage the use of colonial produce, the West India proprietor could not prosper. And yet in this deplorable state of affairs, they were about to admit the produce of the East Indies into a market which was already glutted. If this system were persisted in, they might as well give up their West India colonies. He was really astonished at the quarter whence this cry of a free trade proceeded. If his hon. friend (Mr. Ricardo) had advanced the doctrine, it would not have surprised him. But, strange to say, the call for a free trade proceeded from a quarter in which, heretofore, there was no freedom at all. It came from the East Indies, an empire with which, until very lately, no private British merchant was allowed to trade—a soil on which, till within the last few years, no British subject had a right to set his foot. The demand came from a portion of the empire which could not, permanently, be connected with the mother country; for no man could suppose, that a force of 25,000 men would be able, for a long series of years, to govern eighty or a hundred millions of native inhabitants. When those possessions should be dissevered from this country, what would be our situation? Having ruined the West Indies, and being unable to procure sugar from that quarter, they would be obliged to apply to a foreign government in the East Indies, which probably would not take any portion of their manufactures, and they would consequently be compelled to pay for every thing they purchased in gold. It was observed, that this measure would have the effect of checking the slave trade. If it could be proved to him that the slave trade was likely, under the existing system, to be renewed in the West India colonies, there was no bill having for its object the annihilation of that trade which he would not support. But he would not legislate for an evil which he did not believe to exist. Let the subject be examined before a committee—let it be shown that there was any chance of the revival of the slave trade—and he would be the first to adopt

measures of prevention; but he would not proceed to legislate on the mere fancies and imaginations of men, whose minds had been so long fixed on this subject, that they were likely to be deranged by the slightest occurrence.

Mr. *Ellice* offered his cordial support to this bill as one of those measures of approximation to free trade, which was the safest, and best, protecting, to a rational extent, existing interests which had grown up under an opposite system, and at the same time offering to the rest of the world a sincere proof of our disposition to carry into effect those liberal principles which we had so loudly professed. He had listened with attention to the speech of his hon. friend the member for Norwich (Mr. Smith) and had heard no argument urged against this measure, which did not equally apply to our whole colonial system. Certainly if we were now called upon to legislate on this important subject for the first time—with the experience and information the last century had given us, he might agree in the impolicy of peopling the West India Islands with slaves, to produce articles, which we could more easily and profitably obtain from other countries in exchange for our manufactures—but the case before the House was, how the restrictions on trade could be gradually and ultimately removed, without entailing absolute ruin on those, who had embarked their property on the faith of existing regulations and the protection of parliament. This bill was, in his opinion, calculated to effect that object, and he therefore supported it. Much matter had been introduced foreign to the subject under discussion, and the attention of the House had been diverted from it, by a kind of by-battle between the East and West Indians, respecting the duties on sugar, which were to be regulated hereafter by another bill. He could not avoid, as this course had been followed, offering a few remarks in answer to some very strange observations of one or two of his hon. friends on this subject. The West India planter was, in his opinion, fairly entitled to a moderate protection for some time to come, in the same manner as he conceived the agriculturist entitled also to a moderate, not to the monstrous, protection, afforded him by the corn bill. One hon. gentleman (Mr. Money) had brought before the House the whole case of the cultivators of India. He complained, and with great reason, that by the policy of this country our manufactures had been imposed upon the people of India, without the least protection to the Indian manufacturer, who had been nearly ruined, and an immense population deprived of profitable employment, from our ability to supply their own manufactures from the improvement in our machinery and superiority of capital, at a cheaper rate: and now, exclaims the hon. member, having diverted the industry of the people from its former employment, you subject their raw productions, which you have compelled them to cultivate, to excessive duties, to protect the West India planter. He entirely concurred with the hon. gentleman that nothing could be more cruel, and nothing could more justly subject us to the imputation of being a nation of shopkeepers looking solely to profit in our dealings with mankind, than this unjust policy. But again, he would ask, whether the West India proprietors were accountable for those measures, or whether they were adopted with a view to the promotion of their interest? Another hon. friend (Mr. Buxton) the advocate of the consumers, had stated, that if the additional protecting duty of *5s.* was discontinued, he had no doubt the price of sugar would be current at *3d.* per lb. He could not imagine by what process of reasoning, his hon. friend arrived at this conclusion. At all events the additional duty could only increase the price one halfpenny, but the most satisfactory answer to his hon. friend, was, to refer him to the chancellor of the exchequer who raised more than *3d.* per lb. duty on West India sugar. Then it was argued by one hon. gentleman, according to some equally strange calculation, that by this difference of duty, a tax was laid of 18 millions on the people of England to support the West India colonies: his hon. friend (Mr. Smith) had reduced this amount to 2 millions, and to this he would answer, the West India interest would be too happy to make a compromise at a much lower rate, and at once give up all their just claim to a moderate protection. The truth however was, those statements were equally erroneous, and although after a certain time he would advocate the gradual equalization of the duty, at present there did appear a fair claim, arising from the utmost distress, for consideration on the one side, and

no very violent cause of complaint on the other. All the other markets of the world were open to both classes of producers on the same terms. Another objection to this measure came rather with a bad grace from a portion of the community to whom, from some of those antiquated principles of our commercial policy, which all parties sought now to reform, the West India interest had been long sacrificed—he alluded to the sugar refiners, who were afraid the permission given by the bill, of direct exportation of sugar from the Islands to the continental ports, would injure their manufacture. Their petition had been brought forward and supported by an hon. friend who with singular consistency supported their claims to protection, and still refused, when the Indian interest was concerned, all protection to the colonists. The House should remember, that, to favor this particular trade, the colonists were prohibited by law from refining their sugar in the Islands. They were obliged to pay also the additional freight, expense of transport, and package, the various charges attending a raw material, merely that the profit of manufacture should be secured to the English refiner. Why, when gentlemen talked of the unreasonable claims of the colonist, and of his objection to the principle and practice of free trade, did they not propose to relieve him from this injurious and manifest violation of them? The fact was, as he had stated in the commencement of his observations, our commercial code had rather been formed on a continual departure from, than on any observance of these principles, and the utmost care was necessary in these alterations, to protect, to a moderate extent, the extensive vested interests, which might otherwise be most unjustly sacrificed to our love for improvement. He was as zealous in the cause as any of his hon. friends, but he would proceed with the greatest caution and circumspection.

To return, however, to the bill under discussion, as he thought much matter had been unnecessarily connected with it, there were other branches of the subject more material which had been totally lost sight of, and particularly the enormous charges and taxation under which our colonies and shipping were oppressed, and from which they might easily be relieved, without injury to any party. An hon. baronet (sir W. Curtis) had opposed this and the former bill, as threatening severely to injure our navigation. If he thought they could produce that effect, he would be an equally strenuous opponent of them with his hon. friend. He considered our commercial marine ought to be regarded and protected, beyond any abstract views of profit and loss, which might regulate our policy in other branches of our trade. The safety of the country depended on its prosperity, and every measure should be taken to foster and improve it. He felt satisfied his hon. friend need be under no apprehension of its suffering from the provisions of these bills, but he entreated the co-operation of his hon. friend to improve its condition, by compelling government to take off the tonnage duty, which had been laid during war to pay part of the expense of convoy, and which the chancellor of the exchequer had strangely forgotten to remit, when the cause of its imposition had ceased. It was scarcely possible, beyond direct taxes, to credit the enormous burthens to which our shipping was subjected in all quarters of the world, and especially in our own colonies, to satisfy the rapacity of various agents and extortioners of government. Take one colony for instance, Trinidad; he held an account in his hand of the charges imposed there on a ship of 300 tons. The collector's fee 55 dollars, comptroller 38, searcher 40, treasury 15, island secretary 30, governor's secretary 27, extra officer 19, and various other sums amounting to 132*l.* This was a specimen of the charges in all the colonies. Then, as if the poor ship-owner was the fair subject of plunder every where in countries not under our own government, we had gentlemen exercising the functions of consuls, who performed the office of leeches as successfully as their brethren in official situations in the colonies. The House had heard of the monstrous sums raised in this way in the Brazils—one officer receiving about 11,000*l.* a year. All over Europe, although not quite so bad, it was still oppressive. In Sicily an English vessel could not touch at two ports without paying two consuls, and yet it would be difficult to conceive the necessity for two officers of this description in that island. In America it was equally bad; he had accidentally met the master of an English vessel just arrived from Charleston, who shewed him the account of his expenses in that port, consisting of light and harbour dues, pilotage, Custom-house and government charges,

amounting in all to 23 dollars; and the House would scarcely credit it, the British consul's fee for endorsing his register was nearly equal to all the other expenses, amounting to the scandalous exaction of 20 dollars. The expenses in our own ports were now under investigation in the committee up stairs, and as far as the inquiry had proceeded, it was impossible to imagine any thing more iniquitous. The impositions of the Trinity-house were indefensible, and their extortions had already led to the loss of many foreign vessels, with their cargoes and crews, who rather preferred the dangers of the seas in the most violent storms, to the protection of our ports at the price we exacted for it. He had, indeed, been astonished at seeing the merciful return for all this in the American charges on the vessel he had alluded to, and that a remedy had not been obtained by the remonstrance of foreign governments, for evils which our administration, looking to the interests of our own navigation, did not appear to consider as requiring their attention. This was a fine field for the exertion of the influence of the hon. baronet with his friends, and he might be assured he would be conferring a much less doubtful obligation on his constituents in using it, than in opposing the present bill. Then, although he admitted, this measure as far as it went would benefit the colonies, if their situation was examined into, it would be found their distress, severe and almost insupportable as it was, was aggravated by the same causes which oppressed our industry and trade in every quarter, the enormous amount of taxation of all descriptions. In what were known by the name of the conquered and ceded colonies, taxes were levied, and expended by authority, until the late war, unknown in the dependencies of Great Britain, at the absolute will of the governor, exercised according to his caprice, and without consulting the feelings or interests of the inhabitants. Laws of every country and every code, administered in every language, neither understood by those who executed, or whose interests were affected by them, construed differently by every succeeding English lawyer, who was sent out to preside in the island courts, destroyed the credit of the colonies, and in this their hour of need, with the superabundance of capital in this country, there was no confidence to lend or invest it, on the security of property subject to risks, which could neither be understood, or guarded against. English creditors under such circumstances, and in the overwhelming difficulties that otherwise surrounded the planters, instead of feeling any disposition to extend their advances, were pressing to withdraw what they could save. The property in the contention got into what were called courts of justice, and was ultimately the prey of lawyers and officers, to the utter ruin of the contending parties. Such for instance was the actual condition of Trinidad—labouring under all the difficulties which oppressed the old colonies, the planters discontented with the laws and the administration of them, and the merchants having candidly told government, that while such a state of things continued confidence was entirely suspended in all transactions with the island. This case, however, was not singular. To give the House some idea of the extent to which this system was carried, he would state the situation of another wretched colony, St. Lucia. He would not go into a detail of all the complaints and sufferings of the inhabitants, but as he did think animadversions in that place sometimes strengthened the hands of government, and aided the best intentions, in resisting the perpetual claims of the adherents of administration for offices and jobs at the expense of our suffering fellow countrymen in the colonies, he could not resist shortly adverting to the present and past state of that island. It was well known to the House, that it had been twice conquered during the last war, and at last retained as a permanent possession at the peace, not so much from any object of commercial advantage, as from its importance as the key of the naval station in the windward islands, and particularly as commanding Martinique. While under the French government, to encourage the settlement, which laboured under all the disadvantages of a pestilent climate, and being more frequently subject than any other island to the effects of hurricanes, the inhabitants had been carefully exempted from all taxation, 800*l.* only being raised for the salary of the governor. From the moment these poor people were admitted to the blessings of British protection, the rule had been reversed, and they had been subject to every kind of exaction which the ingenuity of their governors could devise. It was true, that when their complaints reached the ears of government, and time had

elapsed for an enquiry into them, one governor who it was reported had raised 30,000*l.* for himself and his secretary by his extortions, was dismissed and cashiered. Another succeeded, who also demanded what were called his legitimate perquisites, not to a much smaller amount. The hurricane of 1817 which destroyed all their crops, damaged their buildings, and killed some of their slaves, then came in addition to their previous distress. The government buildings were destroyed. New and grievous taxes were laid by the simple fiat of the governor on the inhabitants who had been already too severely punished by this sad calamity, to repair and rebuild them. The erections made, were unfit for the climate, and, as they alleged, in a most exposed situation. The hurricane of 1819 succeeded and disposed of them. This visitation was in all its circumstances still more calamitous than the previous one, and yet in 1820 and 1821 more oppressive taxes were again laid to rebuild the public works. The House, then, would not fail to observe how all these burthens were proportioned to what one would have imagined could only have justified them—the progressive prosperity of the people. The whole population amounted to about 15,000, of which the slaves exceeded 12,000. The average crop was about 6 or 7,000 hhds. of sugar, which supposing other articles paid the expenses of cultivation might generally in the years preceding 1817 have produced a clear revenue to the planters of from 100,000 to 140,000*l.* Since that year they had lost two entire crops, or at least the expenses incurred in repairs exceeded the value of what had been saved from destruction by the hurricanes —the price had gradually fallen to the present depressed value—and he conscientiously believed the income of the whole island had fallen to less than one fourth of its previous amount—if indeed, and it was a doubtful question, there was now any income beyond their expense. The taxes on the other hand had been more than quadrupled. Last year nearly 12,000*l.* had been exacted, 3,000*l.* to pay the salary of the governor, an officer of the highest character and most distinguished service, but whose claims on the country we had no right to palm off on these wretched people. He believed they were entirely sick of each other, and he entreated government, when some other employment should be found for the gallant general, not to replace him by so expensive a successor. The truth was, we overloaded the colonies with establishments which were in no respect necessary, and then were apt to complain of the cost of maintaining them. The major of a veteran battalion, with an addition of 5 or 600*l.* per annum to his pay, was a person of sufficient importance to fill the office of governor of St. Lucia, under the superintendance of the commander in chief at Barbadoes; and there was no occasion for a host of staff and secretaries, who unfortunately always followed in the suite of the greater personage. He could draw a similar picture of many other colonies, but he was afraid he had already fatigued the House, and would therefore only add a few observations on their general situation. The shipments from all the sugar colonies had usually averaged from 250 to 280,000 hhds., which till 1818 had probably produced a nett revenue after payment of all charges exceeding 7 millions. This now had been reduced by the fall of price to less than 3. The value of sugar was lower than in 1791. The chancellor of the exchequer then took 12*s.* 4*d.* from 61*s.* He now takes 27*s.* from about 58*s.* The settlers and planters, in the new colonies especially, were invariably debtors, and they came in for their share of the gross injustice which had been inflicted on all persons similarly situated, by the alteration of the currency. Their case at all events was exempted from the general rule which Mr. Mushett and some of his hon. friends adduced in support of the justice of the last fraud in this respect. We possessed none of these colonies, or the inhabitants any property in them in 1797, and the loans borrowed of their consignees were all in paper at its greatest depreciation. Luckily in this case there could be no difference of opinion, facts spoke for themselves, and did not require the aid of argument. In 1814 and 1815, in Trinidad, where the same metallic money has always been current at the same value, a bill for 100*l.* sterling could be purchased for 150 or 155*l.* currency. The value of the pound sterling has since gradually risen, and now from 240 to 250*l.* of the same metallic money is required from the defrauded debtor for payment of the altered 100*l.* sterling. His debts, taxes and expenses of all descriptions are increased in the same ratio, and his returns proportionally reduced in

price, and yet this was called justice! He had taken the case of Trinidad, having a letter in his hand stating the actual difference, but it was nearly, if not quite as great in Jamaica, and all our other colonies. There was no argument so forcible in reply to the noble lord's sweeping assertion of the general prosperity of all the interests in the country, except the agricultural, as placing before him figures of this description. Let them apply the same test, to the other interest materially affected, or supposed to be so, by this bill. They had a precise account of the quantity of commercial tonnage, and taking the value of it, which no person acquainted with the subject would say was overstated, at 20*l*. a ton in 1814 they would find the capital employed in it 51 millions. At a profit of 15 per cent, the fair average at that period, this yielded a return of between 7 and 8 millions towards the general income of the country. The quantity of tonnage still remained nearly the same, and was now reduced in value to 25 millions. No person acquainted with this business, could state the present profit above 5 per cent, he was almost afraid, there was as much loss as profit generally, but assuming it was otherwise, there was at least a falling-off of between 5 and 6 millions in this branch of the public income. He believed such was the case with all the productive interests of the country, at least that was the general rule, and former prosperity the exception. Certainly all this was not to be ascribed to one cause, and more particularly in this branch of our industry. What he contended for was, that, while we had to meet a great diminution of profit from our productive capital, from the cessation of the monopoly, and the excitement which the events of the war had accidentally given to our trade, it was scarcely possible to believe, that any administration, or any legislature could at the same moment, have subjected persons employing capital, who were generally debtors, and their transactions, to the derangement, and injustice produced by the final alteration of the currency. This was a subject, however, he could not pursue. He approved of the present bill as an improvement and more as a pledge of further improvement in our commercial system. At the same time, he intreated the House while they were reforming the regulations which were called protections to our trade and navigation, to be careful that they placed both on a fair footing, if they could not give the many advantage in the open competition which these measures subjected them. If all burthens and taxes such as he had pointed out in the course of his observations were removed, he did not fear the result, but if we could not tell our merchants we were ready to meet every wish they could express, to adopt every improvement, and to remove all obstacles in the way of a fair competition with their commercial rivals, he should dread the experiments now making, beneficial as he admitted them to be, if accompanied by such protection. He however trusted much to the candid conduct and the avowed principles of the president and vice president of the board of trade, which he had an opportunity of witnessing in the committee above stairs, from which this bill emanated, and he thought himself bound both from a sense of public duty and a perfect confidence in their good intentions, to support to the utmost of his power, their anxious endeavours to improve the general condition of the trade of the country.

Mr. *Ricardo* rose, in the first instance, to make one observation on the subject of the currency. Though the facts were not known to him, he could not help suspecting the correctness of his hon. friend, respecting the payments in the West Indies. That persons in the West Indies who, in 1815 paid a debt of 100*l*. with 155*l*. of their currency, should now have to pay 227*l*., while that currency was not itself altered in value, seemed to him incredible. He would go on, however, to another subject. If he had wanted an argument in favour of a free trade, he should not have gone farther than the speech of his hon. friend. He had painted the system exactly as it was. He had told them that the ship-owners were burthened with peculiar charges: that to compensate themselves for these charges, the ship-owners were allowed to saddle unnecessary expenses on the West Indians; that the West Indians were not allowed to refine their sugar, but were obliged to send it over with a quantity of mud, in order to employ and encourage our shipping; that they, in their turn, had a monopoly given them of the supply of the home market, where the consumer got his sugar burthened by the cost of all these charges. The system throughout was of the same nature. Vexatious and unnecessary burthens were cast upon one class, and that class was allowed to relieve itself by preying upon some other.

An hon. member had put a very proper question: when he was told that the people of England were taxed for the sake of the West Indians, the hon. member had asked, who got this million and a half, when the West Indians could barely keep their estates in cultivation? No one got it. That was what he (Mr. R.) complained of. The people of England paid grievously for their sugar, without a corresponding benefit to any persons. The sum which they paid was swallowed up in the fruitless waste of human labour. The hon. member for London had said, that they should pay the same price for their sugar, whether they taxed it or not. Now it was not possible this could be the case. The hon. member might as well have said, that if they did not lay a tax on tea, the Chinese would raise the price of it equal to the present price burthened with the tax. The general principle that regulated price where free competition operated was, that a commodity would be sold as cheap as the producers could afford. Unless, therefore, our admission of the East India sugars could add to the cost of producing them, there could be no increase of price. The case of the West Indies was precisely similar to that of the corn laws. As in the latter case we were protecting our poor soil from the competition of the rich soil of other countries, so were we to protect the poor soil of the West Indies from the competition of the rich soil of the East Indies. The mischief in such cases was, that there was much human labour thrown away without any equivalent. He fully agreed, that there would be the greatest possible injustice in sacrificing the vested interests of the West Indies; but it would be cheaper to purchase our sugar from the East Indies, and to pay a tax directly to the West Indies for the liberty of doing so. We should be gainers by the bargain; because there would be no waste of human labour. As he thought a monopoly was a disadvantage on either side, he saw no reason for opposing the present bill, which approached, to a certain degree, to free trade. We could not too soon return to the sound principle; and if we once arrived at it the House would no longer be tormented with these discussions, and with constant solicitations to sacrifice the public good to particular interests.

Mr. *Marryat* denied the correctness of the statement, that a tax was imposed on the people of England, by the preference given to the West India planter, in the supply of the home market with sugar. He contended, that as the quantity of sugar imported from the British West India colonies exceeded the consumption of the mother country by nearly one-third, and as that surplus must necessarily be sold for exportation, Europe, and not Great Britain alone, was to be considered as the market of the West India planter; and that the price his surplus sugars were worth to be sent abroad, necessarily governed the price of those that were sold to be consumed at home. Great Britain, therefore, was supplied with sugar at as cheap a rate as any nation in Europe; and the only means of lowering the price to the consumer, was by lowering the duty.—It had been said, that the foreign planter could raise sugar cheaper than the British planter, and this was too true; but he (Mr. M.) maintained, that the price of a commodity had no reference to the cost of its production, but was governed by the proportion that the supply bore to the demand: and therefore it did not follow that because foreign planters could cultivate cheaper than British planters, they would sell cheaper. In fact, they all sold at the same price: and the only consequence of the disadvantageous competition to which the British planter was exposed was, his being reduced to very great distress.—For the truth of this doctrine he would appeal to the agricultural gentlemen; and ask them whether the present price of corn was regulated by the cost of its production, or by the proportion which the supply bore to the demand?—The real state of the case was, that from the moment the produce of the British West India colonies exceeded the consumption of the mother country, which was the consequence of the numerous additional colonies that were ceded at the late peace, their monopoly of the home market became nearly nominal, and the mother country was necessarily supplied at the same price as the continent of Europe; while her monopoly of the supply of the colonies with British manufactures, and in British ships, remained in full force. Under these circumstances, occasioned by events over which they had no control, and arising out of the determination of his majesty's ministers, on views of policy, comprehending the general interests of the British empire, they might reasonably claim some relaxation of a system which

had reduced them to the greatest distress; and which, if continued, must involve them in utter ruin.

The planters were aware of the objection to increasing the price of their produce, which would be taxing the British consumer for their benefit; and, therefore, had only petitioned for the renewal of their former intercourse with the United States of America, which, though it would not increase their revenue, would at least diminish their expenditure, by enabling them to procure their supplies of provisions and lumber at a cheaper rate, without imposing any additional burthens on their fellow-subjects; and that bill had just been read a second time without meeting with any opposition.

The present bill did not originate with the West India planters or merchants; but was a spontaneous measure on the part of his majesty's ministers, with a view to the relief and encouragement of British shipping. It gave British ship-owners the same advantage with respect to the produce of the West Indies, as had been given them last year as to the produce of the East; the permission to carry it, not to Great Britain only, but to every part of Europe. It was evident that no use would be made of this permission by the West India planter, as to sugars; because of near 300,000 hogsheads that had been imported into Great Britain last year, only 400 had been exported to the continent of Europe; and surely no persons would venture to send an entire cargo to any one port, when all the ports had taken off only so small a quantity. In farther proof of this assertion, he might state that although, by another bill passed many years ago, the planters were permitted to ship their sugars to any port of Europe south of Cape Finisterre, not a single cargo had ever been sent to that destination, from the time the act passed, down to the present moment. If the present bill were to be considered as a plea for admitting East India sugar into British home consumption, on more favourable terms of competition with West India sugar than at present, he should abjure the acceptance of it on such a condition: nor, in fact, was there any ground for the pretension; as the bill by no means placed the West India planters on the same footing as the grower of sugar in the East Indies. The West India planter still remained subject to all those restrictions which pressed so heavily upon his interests. He was prohibited from manufacturing for himself; even from refining his own sugar, without payment of a duty of eight guineas per cwt., a sum far exceeding its value; and intended to operate, as in fact it did operate, as a total prohibition. He was obliged to consume the manufactures of the mother country alone; to ship all his produce in her ships; and thus his industry was rendered subservient to that system, by which Great Britain makes all her colonies marts for the consumption of her manufactures, and the foundations of her naval power. The East Indians were exempted from all these obligations. So far from consuming British manufactures only, they manufactured for themselves; and even sent their manufactures to every part of the world, to rival those of the mother country. Ships under every flag upon the face of the globe had free access to their ports, to bring them commodities of every description, and take away theirs in return. They could buy every thing where they could buy it cheapest, and sell every thing where they could sell it dearest; in short, they had the whole world for their market. Let them forego these advantages, let them put themselves on the same footing as the West India planters, and he for one would agree to their sugars being admitted at the same duties; but those who would not submit to colonial restrictions, had no right to claim colonial privileges.

The hon. member then proceeded to explain the prospective advantages to which he looked forward from the present bill. More than half the rum shipped to London was exported (principally to the north of Europe), and, of course, subject to a double set of charges of every description, amounting to at least one-third of the nett proceeds of the rum; all which would be saved to the West India planter, by shipping it direct to the port of its consumption. He was satisfied, too, that lumber would soon be prepared in the North of Europe, of such dimensions as was suited to the West India market, and be taken back as a return cargo; to the great benefit of the British ship owner, who would thus earn a double freight, as well as of the British planter who would procure his supplies both better and cheaper than if he depended on America alone. Another advantage to which he looked forward in this bill, was that if Russia persisted in her present

system of excluding all sugars that were either clayed or refined in Europe, many of the British planters would revert to the practice of claying their sugars; and, by shipping them direct to the ports of Russia, would save the double set of charges that must attach upon them if sent circuitously by way of this country: and he was persuaded that any plan which would enable the British planters to enter into a more successful competition with the planters of Cuba and the Brazils, by whom the slave trade was still carried on, and so far tend to check and discourage that traffic, would meet with the warmest approbation and support of this House.

He should now say a few words on another subject which had been adverted to in the course of the discussion; the case of the British sugar refiners. He felt, in the strongest manner, the importance of that valuable manufactory; and was satisfied that the interests of the sugar refiners and those of the West India planter were bound up together. The petition they had presented, praying for leave to refine East India, and other foreign sugar appeared to him to be both premature and injudicious; premature, because as he had before observed, no Muscovado sugar was likely to be sent to foreign ports of the continent, under the operation of this bill, instead of coming to Great Britain as usual; and injudicious, because the words *other sugars*, could only apply to the sugars of the Brazils and Cuba (the sugars of all other colonies being shipped to the countries to which they respectively belonged), and therefore to grant this permission would be to open a new source for consumption to the sugars of those slave-trading colonies, and consequently to give an additional stimulus to that traffic; a measure which would be reprobated by the unanimous feelings of the House. The object for which the sugar refiners ought to have petitioned is, the repeal of the transit duties on foreign linens; for the continuance of this duty is the real origin of all the retaliatory measures of Russia against our trade and manufactures, and consequently of the present distress of our sugar refiners, who have lost the export of 40,000 hogsheads of refined sugar, which till of late were annually shipped from this country to Russia. This transit duty, which was properly imposed in time of war, was continued in time of peace, in direct contradiction to all those commercial principles on which we profess to act, and by adhering to which we hope to make this country the emporium of the world. It has led to severe retaliation on the part of Russia. Every new Tariff from that country contains additional duties, and fresh prohibitions of British manufactures. Russia justifies the expediency of opening a direct intercourse with the Brazils, Cuba, and other foreign countries, as furnishing her with that market for her linens, which we refuse to give her by permitting them to pass through our ports, as formerly, free of duty. She has also retaliated upon us in kind, by prohibiting the transit of British woollens through her dominions, to the great fairs of Tartary, which supply both Persia and China, and giving the monopoly of that trade to the woollens of Prussia. The hon. member said, he was aware that an idea was entertained by some gentlemen of the sister island, that foreign linens could not find access to the markets of Asia, Africa, and America, unless we gave them transit through our ports; and therefore that this duty, which had the effect of a prohibition, increased the export of Irish linens. Not less than 570 sail of vessels from Asia, Africa and America, had arrived in different ports of the continent of Europe during the last year; an incontrovertible proof that opportunities abounded of shipping foreign linens to every part of the world, without their passing through the ports of this kingdom. The prejudice of a few individuals on this point, was altogether erroneous; and ought to give way to the general commercial interests of the empire at large. Let this duty be repealed; the good understanding that formerly subsisted between this country and Russia will be restored, and the British sugar refiners as well as other classes of manufacturers be relieved.

As to the distress of the West India planters, he could truly state it to be extreme. He knew it to be the intention of many to make no more Rum, as it did not pay the expense of distillation. The Leeward Island rum of last crop, had sold at 1*s*. 4*d*. per gallon; the freight and charges amounted to 9*d*., the cost of the puncheon was more than 3*d*., so that barely 4*d*. remained to provide stills, worms, and other utensils, and coals to be sent out from England. Not less than 200,000 chaldron of coals were now annually sent to the West Indies; the

loss of the usual demand for them would be severely felt by our labourers, and of the freight of them by our ship-owners. He had seen a letter from one planter, expressing his determination, if things continued in their present state, to make neither sugar nor rum: but to divide his land among his negroes, and let them try if they could maintain themselves, as he found it impossible to maintain them by the cultivation of produce. This must be the result of continuing that extremity of distress to which the British planters were at present reduced; and he begged the House to consider, that if they were obliged to discontinue the cultivation of sugar not only would all the great manufacturing, commercial, and maritime interests which depended upon them, be immersed in their ruin, but the deficiency in their crops would be supplied by the planters of Cuba and the Brazils; and thus the Slave trade, instead of being abolished, would be carried on to a greater extent than ever. This it ought to be the object of parliament to prevent; and, therefore, he hoped, efficient measures for relieving the British West India planters would be adopted.

Mr. *Wilberforce* thought it might be desirable to connect with this bill a provision for registering slaves like that which he had brought under the consideration of the House five or six years ago, but which had not been adopted. In granting the boon now intended to be given by this bill, some security ought to be obtained against the importation of slaves.

Mr. *Bernal* contended, that this bill was not a boon to the West India colonies, but to the great body of distressed ship-owners. He thought the present measure ought not to be clogged with any enactment with regard to the registration of slaves.

Mr. *Manning* described the distress in the West Indies to surpass all description, and to exceed that experienced by the agricultural classes here; and therefore he considered it was of the utmost importance to afford relief.

Mr. *Brougham* said, it could not be denied that great distress existed amongst the West India body of merchants—a distress which was as great, if not greater than that which prevailed amongst our agriculturists at home. Therefore, it was, that he should be glad of this measure for their relief, though it was not called for by themselves; and he hoped that a much larger measure of relief might ere long be afforded. He for one would not clog it with any conditions; but he would appeal to them in return, and express a confident hope, that in their own internal regulations they would listen to the voice of that House, and redeem the pledges they had given, of carrying the measure of abolition and of slave regulation into the fullest effect. As to the encouragement of those colonies, he would say, that if East India sugar were to be imported into this market without restriction, we should have very speedily, the whole of the West Indian Archipelago laid waste. He did not mean to say that the soil would be less fertile, or that the islands would not be peopled with a black peasantry, by whom they might be kept in some sort of cultivation; but he did say, that an entire change of property would ensue—that coffee and sugar estates would no longer be productive to their owners who remained here—and that if they wished not to give them up altogether, they must go to the islands and live upon them as planters. Now this was a state of things for which we were not prepared at present. He did not say that such a state of things might not arrive at some time—that the black population whom our own wretched policy had sent thither might not be the future possessors of the soil. Such a case was highly probable, but we ought not to hasten it by any rash measures of legislation. He had thrown out these remarks as showing the ground of the vote that he should give, and he again begged to express a hope that the colonists would take the advice which they had received, and so improve the condition of their slaves as to fit them for making a gradual and complete emancipation—an event which must sooner or later arrive.

The bill was read a second time.

Employment of the Poor in Ireland.] The House having resolved itself into a committee on the employment of the poor in Ireland, Mr. Goulburn moved, "That, for the Relief and Employment of Poor in certain parts of Ireland, the lord lieutenant shall be authorized to advance out of the consolidated fund, any sum or sums of money not exceeding the amount of any presentments made for the making or Repairing Roads or carrying on the Public Works in Ireland, at the last Spring Assizes; and also, such further sum of money, not exceeding 50,000*l.*,

as may be required for making or improving Roads in any part of Ireland."

Sir *N. Colthurst* expressed his approbation of the grant, and was confident that the noble, generous, and humane manner in which the people of this country had come forward on this occasion would make a lasting impression on Ireland, and inspire the sincerest gratitude.

Mr. *Becher* said, he was gratified at the introduction of such a measure. It was a source of high gratification, that the liberality of the people of England was now endeavouring to remedy the evil caused by government; but as prevention was better than cure, as employment was preferable to alms-giving, he should have been better pleased if timely measures had been adopted by government, by which much of the present distress might have been avoided.

Mr. *J. Smith* gave his warm support to the present measure, and thought that thanks were due to the right hon. gentleman by whom it was introduced; though he could not extend these thanks to the government generally; seeing that they might by timely measures have prevented much of the evil. Still he hailed the present plan, because he was satisfied that it would be productive of considerable relief. He had become acquainted, in the committee at the London tavern, with scenes of distress now prevailing in several parts of Ireland, which he almost shuddered to think of, and which he could not detail to the House. But, from all he had learned, he had come to this conclusion, that the want of employment was the great cause of the evil. England was now imperatively called upon to assist the sister island. We owed her a great debt, which we ought now to discharge. We had in our prosperity acted towards her with oppression; and we were bound at this trying time to do every thing for her improvement. It was in evidence before the committee for managing the Irish subscription, that in the barony of Moyarta, in the county of Clare, there were not less than 10,000 individuals without the necessaries of life. A large portion of them were deprived of the assistance which they might have expected from a resident country gentry, and were left to perish from want of food; as he had no doubt many of them had done. Now, he contended, that the hundred of Brixton in Surrey, or of Ossulston in Middlesex, had not a better claim to the sympathy and relief of the country than the barony of which he spoke, and therefore every thing which could be done ought to be done for its relief. There was one point which he wished to press—that no distinction should be made between persons of different religion in that country.

Mr. *W. Smith* said, he would mention to the House one class of absentee landlords, whose benevolent example he trusted would have many imitators. The parties to whom he alluded were two corporate bodies of London, who possessed estates of considerab' extent in Ireland. The first was the Drapers company. They had on their estates a tenantry of not less than 1,791 families, consisting of 10,740 persons, for whose relief they had done every thing which could be expected. The other company was one to which he had the honour of belonging. They had come to the possession of a considerable estate in Ireland, on the demise of the late king; and since then they had expended seven-eighths of their income in improving the condition of their tenants. He was sorry that the subscription opened for the Irish poor had not the names of many of the Irish absentees.

Mr. *Martin*, of Galway, expressed his gratitude to ministers for the measure they had proposed. He trusted that no person would exaggerate the distresses which existed in Ireland and play off the calamities of that country to disturb the empire. He felt it his duty to call the attention of the House to the conduct of an hon. member. That hon. member (Mr. Hume) was usually very constant in his attendance in the House, and he had heard him talk of this thing and that thing; but when the present subject came to be discussed, the hon. member yawned, and walked out of the House. The hon. member was soon to treat of the tithe system of Ireland. He would supplicate that hon. member to leave Ireland to other gentlemen, and the legitimate ministers who represented that country in the House. The hon. member, he dared to say, would come down to the House and bewail the sufferings of Ireland—but what was Ireland to him?

"What's Hecuba to him, or he to Hecuba,
"That he should weep for her!"

Mr. *Hutchinson* thought it was invidious and unjustifiable to allude to any member in the manner the hon. gentleman had done. If the hon. gentleman alluded to the hon.

member for Aberdeen, he would say that a more sincere friend to the interests of Ireland was not to be found in that House. With respect to the question before the House, he certainly felt grateful for the assistance which had been afforded to Ireland, but he at the same time felt humiliated that the state of his country should be such as to require it.

The Marquis of *Londonderry* said, he could assure the hon. member for Norwich, that the most strenuous efforts were making in various parts of Ireland to raise subscriptions for the relief of the distressed sufferers.

Captain *O'Grady* regretted the observations which had fallen from the hon. member for Galway. It was exceedingly improper that any gentleman who might originate a measure in that House, should be subjected to the foul imputation of making it a party question.

Mr. *Martin* said, that his observations were intended to apply exclusively to the hon. member for Aberdeen. He was sorry that the hon. member had not been in his place when he addressed the House. His absence was a bridle in his mouth, and had prevented him from saying a great deal more. He would willingly repeat in his presence all that he had said in his absence.

Mr. *G. Lamb* thought it would have been better if the hon. member had refrained from alluding to the conduct of an absent member.

The resolution was agreed to.

HOUSE OF COMMONS.

Saturday, May 18.

IRISH LINEN TRADE.] Sir *George Hill* rose to move for the appointment of a select committee to inquire into the laws which regulated the Linen Trade of Ireland; and to report thereon. He remarked, that nothing was of more importance to the sister kingdom than her linen trade, and more particularly in the province of Ulster, where it was carried on to a great extent. The object of his committee was, to simplify the numerous and complicated acts of parliament which had been passed at different periods respecting this trade. Many difficulties arose respecting the arrangement of the officers, who were, as the law stood, to superintend the different markets in Ireland. The applications which were made on the subject from the counties of Down, Armagh, Londonderry, and Antrim, varied considerably in their nature, and it would be the business of the committee to investigate the several statements, and then consider under what regulations these officers should be appointed. It was his anxious wish to see the linen trade of Ireland extend and increase its branches. Wherever its industry existed, the moral and religious habits of the people were always remarkable; and it was gratifying to know, that the part of the county of Cork in which a linen manufactory was in some degree established was comparatively free from disturbance. He had no hesitation in saying, that the province of Ulster would have largely partaken of the heavy distress which oppressed so large a part of Ireland, were it not for the success with which the linen trade was there conducted, and which enabled the tenants to pay their rents.

Mr. *Denis Browne* entirely concurred in what had fallen from the right hon. gentleman on the value of the linen trade. He hoped the attention of the committee would be directed generally to the whole linen trade in Ireland, and not to any partial purpose.

Mr. *Spring Rice* spoke in favour of the Irish linen trade. Whatever measure was calculated to improve it must confer a great national benefit. He would suggest to the right hon. secretary for Ireland, the propriety of encouraging the growth of flax, and thereby opening a source of employment to the people, in the preparation of that article for the linen trade. This was a very favourable moment for giving effect to the report of the commissioners upon that subject.

The committee was then appointed.

HOUSE OF COMMONS.

Monday, May 20.

MARRIAGE ACT AMENDMENT BILL.] The House having resolved itself into a committee on this bill,

Dr. *Phillimore* proposed to substitute the word "natural" in place of the words "natural and lawful," in the first clause. In many instances the marriage had been invalidated, although the mother had given her consent to it, her daughter being a minor; because it had been afterwards proved that such [illegible] ly, and not the natural and lawful mother. The House, he thought, would not be disposed to sanction such a plea.

Mr. *Wetherell* was surprised at this clause, which was calculated rather to increase than to diminish the cases of doubt and difficulty which arose under the marriage act. Here was one of the penalties which had been long attached to illicit connexions at once removed. The effect of this first clause would be, that any young man might marry a minor, born out of wedlock, with the consent of her mother as knowing that the mother herself was not in a condition to give it under the present law, and as being willing to take the chance of future legal decisions, whether by the pending bill she would be empowered to consent. The present bill would be a premium on these hypothetical marriages, and might lead to the most mischievous consequences. A young lady might say to a gentleman, or a gentleman to a young lady under age, "Oh, never mind the consent of father, or mother, or guardian; let us marry, and take the chance of our marriage being, if we continue together till after our majority, declared valid, and our children legitimate, or, if we do not, of its being pronounced invalid, and our children illegitimated." In fact, the bill provided, that where parties had married, the one or each of them being a minor, without consent of parents or guardians duly obtained, they should not be allowed to institute any suit for the annulling of such marriage, if they had continued together until the minor was of the age of 21 years. This measure, therefore, which was intended to be amendatory was, in fact, attended with ten times the objections and obscurity that attached to the existing law. Since the case of "Liddiard and Horner," decided in 1799, and the effect of which was to lay down a rule of construction different from that which had previously prevailed every body must know the principle of the existing marriage law. It might be, therefore, imprudent to alter it. He would conclude by moving, as an amendment, that all the words after "be it enacted," be left out.

Sir *J. Mackintosh* said, he was not prepared to hear an hon. gentleman rise in his place in that House and declare that no alteration was called for in the existing marriage law—a law which he would be bold to say, had encouraged fraud, perjury, and dishonour—had sowed the seeds of dissention in private families—had caused misery and anguish between parties in all situations—and had introduced the most active principles of repulsion into all the elements of social life. The argument of the opponents of the present measure had been this—that some alterations in the marriage law might have been reasonably called for twenty or thirty years ago, but was by no means necessary now; that the case of "Liddiard and Horner," decided in 1799, laid down an entirely new rule of construction, different from that which had been observed from the passing of the marriage act in 1753, down to 1799; that that new rule of construction had been adhered to ever since, and therefore that the case of "Liddiard and Horner" must of necessity be known to all the world. The unquestionable talent of that most weighty authority (lord Stowell), by whom the case of "Liddiard and Horner" was decided, no man could more highly appreciate than he did; and the case was too well known to make it necessary for him now to describe it to the committee. The existing marriage act declared, that all marriages of minors, had without the consent of the natural and lawful father of the minor, if living; or if not, of the natural and lawful mother; or in case of their being both dead, then of the guardian appointed by the court of Chancery, or by testament, should be null and void. In the case, therefore, of a mother's giving consent to the marriage of her daughter if the mother be natural mother only, the marriage would be invalid, and the daughter would be illegitimate; if the daughter was illegitimate, so would her children be; and not only that, but the same illegitimacy would attach to their offspring, and so down to the latest generation. To guard against this cruel liability, a man upon the point of contracting marriage with a young woman would be under the necessity of making the strictest search into all the most secret history of the family with which he was about to ally himself. To what an inquisition would this be to expose the most virtuous individuals! It would be to violate that delicacy, in the observance of which our females were so carefully educated; and to ensure from the virtuous indignation of a woman so insulted, or from the just resentment of her family, the suitor's rejection and dismissal with contempt and scorn. He should assuredly vote against the amendment just proposed, and for this clause as part of the proposed bill.

Dr. *Lushington* said, that the grievances to which the marriage act gave rise were

so numerous and so glaring, that he hoped a measure which tended to correct those evils would receive the approbation of the House. As the law stood, a parent or guardian, on a technical point, might seek to break a marriage, to which in the first instance they had assented.

Dr. *Phillimore* said, that as the law now stood, all marriages of minors, had without the consent of the natural and lawful parents, or of guardians, were declared to be null and void. The consequence was, that either of the parties contracting marriage under such a disability, might at any period of his or her life, however remote, come forward and set aside the connexion. They might, as the law was now administered, set aside their own oath, after taking the benefit of their own perjury.

The first clause was then agreed to. On the next clause being read,

Mr. *Wetherell* contended, that it would be an unprecedented deviation from the general rules of jurisprudence, to give this measure a retrospective operation. The general rule of law was, that a party should bear the consequences of their own crimes, faults, and even errors. It was unwarrantable, therefore, if a man became the lawful possessor of property, on account of the invalidity of the marriage of his uncle for example, to step in and deprive him of his right.

Sir *J. Mackintosh* maintained the propriety of the retrospective part of the bill, and cited several precedents in its favour; especially the statute of limitations, and the act of James 1st, assigning the period within which suits from personal property might be instituted. Thus, the security of a tailor's bill was guarded with all the anxiety of legislation, while the dearest and most solemn ties, as the marriage law now stood, were left without any corresponding protection. Hence might foreigners fairly infer, that the English disregarded every thing that was not immediately connected with pounds, shillings, and pence: that the relations of blood, and affection—the bonds of father, mother, and child,—were postponed on our Statute book to the most insignificant matter of pecuniary arrangement. The object of his amendment would be, to restore the bill in some degree to the shape in which it formerly passed that House. The law, as it now existed, was cruelly, needlessly, and inquisitorially retrospective, and one great object of the measure now under consideration was to remedy a law so unjust and tyrannical. The design of the hon. and learned gentleman who spoke last was, to postpone the operation of it until 90 or 100 years after the passing of the original statute, to which so many objections had been urged. The Scotch marriages, resorted to so frequently, soon after the adoption of the present marriage act, were only clumsy expedients to escape its wanton severity. The hon. member then proceeded to answer the challenge of his hon. and learned friend (Mr. Wetherell) on the subject of retrospective laws, and first referred to the modification and partial repeal of the marriage act ten years after it was passed in 1753. This amendment was retrospective, as well as lord Beauchamp's bill in 1781, which was introduced with the approbation of the then lord chief justice of the court of King's-bench. The further alteration of the law, carried at the suggestion of bishop Horsley, was also of the same character. Retrospective bills were numerous on our Statute book; but he particularly referred to that passed not many years since, in order to put an end to about 300 suits instituted against the clergy for non-residence. His hon. and learned friend had argued the question in a manner that savoured too much of special pleading and technicality, and had employed a sort of reasoning unworthy of him and of the House. The existing law tempted persons to pry into the secrets of families, in hopes of finding something to their advantage: it held out inducements to younger brothers to ascertain the legitimacy of their elder brothers, in order to defeat an entail; or, preserving the knowledge thus obtained until the death of the elder brother, to defraud his children of their natural expectations, and to turn them out into the world helpless and portionless orphans. He did not say that such had been the effect; but such was the tendency of the law. Among Englishmen he firmly believed that it operated rather as an incentive to virtue and generosity, than as a motive to blast the hopes of the innocent. It seemed admitted on all hands, that the amendment must be retrospective, and the question was, therefore, whether it should be so to the disadvantage of guiltless fathers, mothers, and children, or whether it should not rather be designed to disappoint the unhallowed and rapacious hopes of some despicable relation. The present law was opposed alike to the peace of

families and to the security of property. Was marriage to be taken out of the rules applicable to all other contracts? In the case of a minor who contracted a debt, he might or he might not, when he came to age of discretion, sanction the contract. With a marriage he could not, for it was void *ab initio*. The present bill placed a marriage precisely in the situation of another contract. If a minor when he came of age continued in possession of land which he had previously taken, his continued possession made him liable for the arrears of rent. Should not a continued cohabitation with a female, who conceived herself legally married, be equally affirmatory of the marriage contract? The marriage act had originally been intended to settle difficulties and prevent cruel retrospective effects. But, like many precipitate measures, it had created the evil it was intended to prevent. This was its intention; but it had in its progress degenerated into a domineering law, highly injurious to various classes, and repugnant to the structure and general character of English society. It was more like a measure of the grandees of Castile, made to protect their moral and physical imbecility against any correction from the admixture of plebeian blood, than a measure in character with the mild and unoppressive dignity of English nobility. It was a law against marriages of affection, a law for rank and wealth against virtue and nature. The hon. member concluded by moving an amendment, omitting certain words and substituting others, for the purpose of rendering the measure more conformable to the bill of last session.

Mr. *D. Gilbert* observed, that parliament had, upon various occasions, agreed to bills which had a retrospective effect. In proof of this, he observed, that the ancient mode of executing deeds and wills was by sealing and delivering. In modern times, however, signing was introduced. Now, it had so happened, a few years ago, that property, to the amount of several millions, had been transferred in the ancient mode, without the formality of signing, by which the transfer was vitiated. Under these circumstances, that House had passed a bill, which was in spirit similar to that now before the House, by which those deeds were rendered valid.

The Marquis of *Londonderry* observed, that a great mass of evil was generated under the existing law, and, as a moral people, it was their duty to endeavour to remedy it. As to the objection which had been made to any retrospective operation of the present measure, he was of opinion, that where a great evil called for redress, no peculiarity of circumstance ought to arrest the omnipotence of parliament. The defects of the marriage act, if not remedied, were likely to disseminate mischief of the most deplorable description amongst families, and would, in many instances, render doubtful the legitimacy of children. He could see no reason whatsoever for withholding the operation of the present measure from those who had already gone into the ecclesiastical courts.

The amendment was agreed to, and the report was ordered to be received tomorrow.

NAVIGATION BILL.] The order of the day was read for going into a committee on this bill. On the question "That the Speaker do now leave the chair,"

Mr. *Wallace* said, he wished to offer to the House a few observations on the nature and object of the measure which they were about to discuss in committee, and, at the same time, to state the alterations he should propose in the committee, which he hoped would have the effect of obviating the principal objections that had been advanced against certain parts of the bill on a former evening. The measures now immediately before the House, and another, not at present under their consideration, were intended to carry into effect the propositions which he had the honour of laying before the House at the close of the last session, for the purpose of clearing, simplifying, and amending the navigation laws of this country, as well as with a view to the extending and improving our commercial intercourse with foreign nations. Bills were at that period introduced, *pro forma*, to give gentlemen an opportunity of weighing the subject in their minds. Since that time, various alterations were made in the measures then contemplated; and principally in giving additional simplicity to the bill immediately before them, by detaching from it, and placing in another bill, the repeal of those acts which its adoption would render unnecessary, and reducing it to a bill of enactment, with the reservation of such acts only as were not intended to be affected by it. The bill now before

them, and the others to which he had alluded—to both of which he had himself directed the most vigilant attention—would, conjointly, have the effect of clearing and simplifying the existing law. This was proposed to be done by repealing a great variety of acts of parliament, which passed from the reign of Edward 3rd, when the first navigation laws were promulgated, down to the period of Charles 2nd. Those acts were passed under various circumstances, and with different objects; and, as those circumstances ceased to operate, the laws which they had created, fell into disuse; so that the acts from the time of Charles 2nd were universally considered as the navigation laws of the country, the statutes which had been enacted anterior to that period having become obsolete. Observing the contradictions which those acts frequently presented, not merely to statutes of a later date, but with reference to each other, it was deemed necessary to repeal all the laws which had been introduced on this subject before the reign of Charles 2nd. Those laws might be classed under three heads; namely, those which a change of circumstances had rendered obsolete; those which militated against the provisions of the existing navigation law; and those which were no longer necessary, in consequence of subsequent and more efficacious enactments.

With respect to the expediency of rendering the law as plain and intelligible as possible, there could be no doubt. Every one must agree, that it was an object of great importance so to frame the law that it should be subject to as little question or doubt as possible. To the general principle, he believed, there was and could be no objection; but it would be matter of consideration in the committee, whether this or that particular act should be repealed, or whether the description he had given of any of those acts which it was intended to remove was a correct one. Since the present bill was laid before parliament, petitions had been presented with reference to two of those acts—one relative to the export of wool, the other to the import of woollen cloth. With respect to the first, he had merely to observe, that the whole of its provisions were consolidated under the 28th of his late majesty; consequently, the repeal of the act passed previously to the reign of Charles 2nd, could not affect any party whose interests were protected by that statute: they would remain in precisely the same situation in which they stood at present. As to the importation of woollen cloth, there were acts on the Statute book which prohibited any such traffic; but they had been, in fact, all virtually repealed since the period when a duty of 50 per cent was imposed upon such importations, which had now subsisted, and been found a complete protection, for more than 30 years. Indeed, an act was passed some years ago, in the preamble to which it was set forth, that no such prohibition was necessary. These were the only two ancient acts to the repeal of which he believed any objection had been offered. The subject had been thoroughly considered since last session; and some few ancient acts, relative to our system of navigation, but of very little importance, had been discovered, and they were included in the measure now before the House. Of the provisions of the ancient acts, two only had been preserved. The object of the one was, to retain the recognizance by statute staple, a security still in use; the other passed in the time of Edward 3rd, which gave to the foreigner, in every case in which his interest was concerned, the right to demand a jury, half foreigners and half Englishmen. That law was one of the concessions which were made in confirmation of the great charter, and showed the disposition to encourage foreign trade by which that prince, one of the wisest that ever swayed the British sceptre, was actuated. The object of the present measure was confined to the navigation law, as it operated on our intercourse with foreign states; and in deciding on it, two questions were to be considered; first, whether it was necessary to make any alteration in the law; and next, whether the alterations which he was about to propose were wise and expedient? He was aware, that the projected alteration in the navigation law had excited great alarm amongst different classes of persons. They had been told, through the medium of resolutions, petitions, and papers published in various ways, that on an adherence to the principles on which the navigation law proceeded, depended the safety and prosperity of the country; and that those principles could not be surrendered without the greatest danger to the welfare of the state. If *by* the great principles of the navigation law was meant the preservation of a due preference to British ship-

ping in the trade of the country—if it was meant by those principles, that countries which had no shipping of their own should send their commodities to England in British vessels—if it was intended by those principles to protect the direct trade with our colonies, and to maintain our coasting trade and fisheries—if these points were to be secured by the principles of the navigation law, he cordially and perfectly agreed in their justice and propriety. These were principles from which he would not depart, and which, he conceived, ought to be maintained at all hazards. But, if these principles tolerated and recommended a system of severe exclusion—if they pointed at a system of prohibition—if such were to be understood as what was meant by the principles of the navigation law, then he totally disagreed from those who approved of them; and he thought that many of the laws which were enacted on those principles might be removed with great advantage to the best interests of the country [Hear!]. Those who approved of this harsh and severe system, contended that foreigners had no right to complain of the law. He knew very well, that it was in the power of every country to determine what degree of commerce it would carry on with neighbouring nations, and under what regulations or restrictions it should be done. That was the undoubted right of every state. Whatever those restrictive laws might be, as it was optional with the foreign country to carry on trade under them, or to decline a commercial connexion with the state which imposed them; in that sense, the foreigner had no right to complain. But though he had no right to complain, he certainly had a right to retaliate. He might meet restriction by restriction—he might encounter prohibition by prohibition—he might oppose severity by severity [Hear!]. Doubtless England had a right to declare what her commerce should be; but having made that declaration—having stated how far foreign trade should extend—it was proper that the legislature should examine whether the regulations established for the purpose of maintaining and encouraging that trade were, or were not wise and politic. With a view to this, it would be an object of consideration, how far the feelings of foreign nations were to be conciliated—not as foreigners, but because it was essential to the preservation of that degree of commerce which the interests of the country called upon us to maintain—a concession made on this principle was no sacrifice—it was a wise, a just regard to the national welfare; and if the benefit was not confined to this country alone, but extended itself to other states, it might be more gratifying, but was not, therefore, less consistent with British interests, or he believed with the feelings of those he was then addressing. In this country, arrived at the state in which we saw it, considering all the advantages it possessed in its marine, its manufactures, its experience, its machinery, its capital, it appeared to him most evident that the freest system of trade would be found by far the most advantageous [Hear.] If this were the fact, and if they felt severely the baneful effects of those restrictions which foreign powers opposed to our trade—restrictions which were increasing every day—if, two years ago, the manufacturing interest called out against the restrictions which parliament had imposed on foreign trade, and demanded their removal—if such restrictions were found equally injurious to those against whom they were directed, and those by whom they were inflicted—if they were inimical to the interests of this country, was it not the wisest and soundest system they could adopt to abandon those principles which had produced so much mischief, and to retrace their steps as quickly as possible? He knew that, in consequence of the artificial situation in which the country was placed, under the system which had so long prevailed, any relaxations we could make must be confined to narrow limits; but he thought it would be wise and prudent to go to the utmost verge of them, consistent with the safety and prosperity of those classes of the people whose interests they were especially bound to protect, and to do homage to those principles and that system, which while it was beneficial to others was calculated most eminently to promote the interests of the British empire—which afforded the widest range to commerce—which was the most powerful incentive to enterprize, and the surest nurse of exertion and improvement amongst mankind, on whatever soil, under whatever climate, or in whatever quarter of the globe, their destiny may have placed them. The object of the bill was, to attain this end, or at all events to mark the disposition of Great Britain to effect it.

He was aware of the respect in which the navigation laws were held, and was far from questioning the policy of them at the period and under the circumstances in which they were enacted. What was the situation of the Dutch at that period? They possessed the greatest proportion of the wealth and commerce of the world. The navy of Holland was most formidable, and the alliances which that state had formed were most dangerous to the interests and security of England. It was, therefore, a great object to pull down and weaken the rival power of Holland. It was wise, in a political point of view, to enact laws for that purpose; and whatever was necessary for maintaining any advantage that was acquired by those laws, he was ready to preserve. At that necessity, however, he would stop; because all beyond it was useless severity, calculated only to injure us by exciting in the minds of other states a desire to retaliate. England had already suffered much, in consequence of the desire which other powers felt to retaliate; and if he were not very much mistaken, she was likely to suffer a great deal more. He knew not how far the gentlemen connected with the shipping interest might agree with him, but he could assure them, that they had not their interest at heart more sincerely or more warmly than he had. He wished to protect them through the other interests of the country, but he felt no desire to protect them independently of those interests; neither did he wish to extend to them any thing that could be deemed an unnecessary protection. He would ask, what was the best and truest support of the navy, but a large, extensive, and flourishing commerce? He did not know a country in the world that had a great navy without an extensive commerce; neither did he know any state that had a flourishing commerce, without being at the same time an extensive naval power. He knew there were some cases in which navigation and commerce came in conflict; and in those cases he would prefer the interest of navigation to that of commerce. He would support navigation, because commerce evidently depended on the existence of a great naval force. In that point of view it was, that the acts of Charles 2nd were wise and politic. The legislature of that day preferred navigation to commerce, and it was right that they should do so. That system of policy had answered all the purposes for which it was introduced, the principle of which was to reduce the power and commerce of the Dutch. But that object having been effected, there was no longer any necessity for pursuing the same course. What had been the history of the commerce of Great Britain since that time? Was it marked by an inflexible and strict adherence at all times, and under all circumstances, to this system? Certainly it was not. On the contrary, the whole history of our commerce, from that period, proved that a system of relaxation from those acts was adopted. In fact, the statutes relaxing the navigation law in favour of commerce amounted in number to more than 300. Had, in consequence of those relaxations, the naval power of the country sunk?—far from it—in carrying the commerce of England, to the highest pitch that the commerce of any country had ever reached, it would be found that, during the last twenty-five years, our naval power, had gone hand in hand with our commercial greatness. With respect to the time, there could be none so proper as the present, when every nation was struggling for commerce and establishing her commercial regulations. What did we see but the effects of our own mistaken policy in the conduct of all around us? They might look to France, to Austria, to Holland, to Prussia, to Russia. We had been lately called on to retaliate upon Russia. Retaliate for what? For having practised the lesson and acted upon the principles our example had taught her. We had no right to complain of those measures. A wiser course was, in his opinion, to profit by what we saw, and set the example of a return to more liberal principles and a sounder system.

It now became his duty to explain the provisions of the bill, and the alterations he proposed to introduce. The bill might be divided in its application to the trade of Europe and of the other quarters of the world—to foreigners and to British subjects. He should begin by the way in which it affected the foreigner and the trade of Europe. To the first alteration proposed by the bill he anticipated no objection; it appeared to him to meet the approbation of all parties. It was, to allow foreign ships to bring goods from any port where they happened to be, provided that they belonged to the port in question. This he did not think there was any reason for fearing would generate

or encourage an habitual trade. It would, however, remove a great deal of inconvenience. The expenses and other disadvantages incidental to trans-shipments would always prevent any new or irregular practice from receiving encouragement, to the prejudice of a more direct and established trade. Another relaxation to which he had to draw the attention of the House, referred to a particular part of Europe, now in close amity and alliance with us. The act of Charles 2nd, to which he had already adverted, permitted foreign goods to enter our ports either in British vessels, or in ships of that country of which they were the growth and produce. But such at that time was our dread of the rivalry of Holland, that the Dutch were debarred from the benefit of this general rule, and the importation of certain articles was forbidden from Holland and the Netherlands in any ships whatever, under the penalty of the confiscation of the ship and cargo. There was certainly no reason now why Holland should not be placed in the same situation with the rest of Europe. The same rule of policy that applied to other countries was just as applicable to her. In so expressing himself, he was, indeed, fortified by the evidence of the principal and most intelligent merchants who had been examined on this subject. There were some, undoubtedly, who entertained objections of a peculiar nature, and with regard to which he should make a few observations. They referred generally to the probable event of Holland becoming a *dépôt* for the Mediterranean trade, and to the danger attending our importation of large quantities of goods through this medium. The only advantage Holland could be supposed to possess arose out of the restrictions imposed by our quarantine laws which he trusted would be reconsidered. If a relaxed system was safe to Holland, it was not very easy to understand why it should be dangerous to us. They were also rendered secure by the present state of our own law. The act of the 45th of Geo. 3rd gave power to the king in council of regulating and applying the law of quarantine; and under the application of it all goods and merchandise of the Mediterranean coming through Holland would be subject to the same quarantine on reaching this country, as if brought directly from the ports of the Levant. When gentlemen added to this consideration the charges upon trans-shipment—the hazard of our importations taking place through the course which had been pointed out was reduced to too small a point to excite any apprehension whatsoever.

The next alteration applied to Russia, and Turkey. By the provisions of the Navigation Law, the importation of articles known by the name of enumerated articles was confined either to ships of the country of their produce or British ships, while the importation of other articles was free. This was the case in respect to the nations of Europe generally; but to this rule the countries adverted to were exceptions. From them no goods or produce could come but under that special restriction—for such exception there appears at present no ground, and it is proposed to place those states on the same footing in relation to the commerce with this country as the other nations of Europe. In doing this however, it was his intention to add to the list of those enumerated, (thereby subjecting them to the restriction applicable to such), the articles of tallow, tobacco, and thrown silk. As to the last article, he begged to remind the House that at this moment, under the 22nd of Geo. 3rd, it might be imported from Ostend, or any part of the Austrian Netherlands, and that, in fact, our manufacture was flourishing, and had grown up only under protection of the high duty to which the foreign one was subjected. This he had no intention of touching. What, then, was the ground for all the clamour that had been made, and all the representations that had been, with such indecorous importunity, pressed upon the members of the House, who were beset in the lobby in a way which he had never witnessed on any former occasion. They talked of new facilities being afforded to smuggling. He could not see where such new facilities were to be discovered. Every facility there could be found after the passing of the bill, existed now; and if they were not resorted to now, there was no reason to believe they would be so hereafter. These were the alterations he contemplated in the trade of Europe. Without endangering in any degree the interests of this country, they afforded some convenience to foreigners, and relaxed something of that severity which had long been the reproach of our commercial system. They got rid, too, of that source of confusion and embarrassment which had been found to arise from the construction and ap-

plication given to the act of Charles 2nd, which, by referring to countries in that division of Europe which existed at the period of passing the law, gave different regulations for almost each respective country, and even for different parts of the same country. This by its reference to the articles to be imported gives one law for the whole, applicable equally to all times and all circumstances under which Europe can be placed.

He next adverted to the trade carried on with other quarters of the world, and stated the principal alteration affecting foreign ships, which he should propose in that branch of commerce that would probably arise out of the events which had occurred in South America. He need not dwell upon the situation in which those events had placed that country, or recall the recent declaration of Mr. Zea. The field which had been thus opened to commerce was most extensive and valuable; and it was most desirable that we should put this country, as far as the law was concerned, in a condition to reap all the advantages of it. The message of the president marked the course likely to be taken by the United States, and it was probable that they had already recognized the independent character of the new republics. He did not mean to prescribe to his majesty's government what line they should adopt with respect to the question of recognition; all he desired to do, and in this he trusted the House would concur with him, was, to put the law in such a state, that, if the recognition of these states should be deemed expedient, no impediment should remain to prevent the country from deriving the full benefit of it, in its commercial interests. He intended, therefore, to propose the introduction of clauses, which should permit a direct trade to the ships of South America with the united kingdom, in the same way, and founded on the same principles, as it had been under different acts, already extended to the United States and the Brazils.

These were all the relaxations of the existing law he had it in contemplation to offer in favour of foreign navigation. The remaining alteration applied to the British ship. It was known that the British ship in Europe could import into this country every thing from every place, with certain exceptions in respect to the Netherlands; but that in the trade with Asia, Africa, and America, it could only bring the produce of each *directly* from the place of its growth or manufacture. This had appeared to him an inconvenient and useless restriction, and he had intended to put the British ship into possession of the same facilities in respect to the distant quarters of the world, that it already enjoyed in respect to Europe. It had, however, been contended, that such a change might be attended with great injury to the British shipping; that it might lead to the importation of articles into the continent, in the foreign ship, which would be only transported from thence in the British ship; that hence a new course of trade would be established, by which a great and valuable part of the employment of British shipping might be put in hazard. This danger, he said, rested only on the assumed advantages, in point of cheapness, possessed by foreign navigation, which, he contended on various grounds, did not exist in any degree sufficient to counterbalance the expence and inconvenience of a circuitous voyage and trans-shipment in a foreign port. He stated his belief that these advantages were very much exaggerated, and were balanced by others possessed by British shipping. That in our trade with the north of Europe, where the advantages of cheap construction and navigation were the greatest, more than half the tonnage employed was British. That France, Holland, and America were our principal rivals in the distant trade, and that the freights to France and Holland in the last year were higher than to England, and the Americans, from a variety of evidence, appeared to sail their ships at greater expense than we did. On these grounds, he entertained little apprehension of any material danger to the shipping interests of the United Kingdom; but he felt there were circumstances under which some hazard was to be anticipated, and had thought of providing against it by a duty on all goods, the produce of Asia, Africa, and America, coming from a European port. In applying this, however, he had found great difficulties, and had therefore adopted the alteration of permitting goods to be imported into the United Kingdom, in this manner, for exportation only. In making this alteration, he did not consider himself as making any sacrifice of principle. New facilities were still given to the British ship, and it could bring every thing from

any place exempt from the danger of seizure and confiscation to which it was now subject. He felt equally with those whose alarms had been excited, that the danger apprehended was to be guarded against. They had differed only in their mode of accomplishing the same object; an object much too important to the most essential interests of the country to be trifled with, and which he was as anxious as any man to put beyond all hazard. This, he trusted, by the proposition he had made, was effectually done. In conclusion, he repeated, that his first purpose was, to simplify and clear the law, and reduce that which had been to be sought through a multitude of acts, to a few simple clauses; his next, to relax the restrictions of the present law, as far as might be done with safety, and to show the disposition of this country to a more enlightened and liberal system of commercial policy than that by which it had been hitherto governed. He implored the House to consider, that the decision it came to on the present bill might have the effect of eventually establishing and securing the unquestionable benefits of such a system to the nations of the world, or fixing upon them all the evils of a contrary one, for centuries to come.—He then moved, That the Speaker should leave the chair.

Mr. *Davenport* vindicated the proceedings of the deputation from the silk manufacturers. The silk trade was the only flourishing trade in the country at the present moment. He trusted that full time would be allowed to those whose interests were affected to be heard by counsel against the bill.

Sir *W. De Crespigny* protested against the principle of the bill. It militated against the best interests of the country, and was equally prejudicial to British shipowners and seamen.

Sir *M. W. Ridley* defended the shipping interest against the animadversions thrown out against them. It might be said that they were a body who felt anxiously alive to their own exclusive interests; but so ought all bodies of men to feel. It was their opinion, that where a competition existed an advantage should not be taken from one party which would result to the benefit of the other. But the difference of expense in navigating an English ship of 500 tons, and a foreign ship of the same burden, was upwards of 1,700 against the English ship; therefore the foreign ship ought not to be placed in the same condition with the English ship. At all events, the parties should have time to consider the subject before it passed into a law.

The House having resolved itself into the committee,

Mr. *Davenport* moved, that thrown silk be withdrawn from the articles enumerated in the first clause.

Mr. *Bastard* hoped an opportunity would be afforded to the silk manufacturers to be heard by counsel.

Mr. *T. Wilson* did not think that the measure would be productive of the good anticipated from it.

Mr. *Ellice* suggested the propriety of giving time for the fullest consideration of the subject. He hoped the right hon. gentleman would give members an opportunity of discussing the subject at some future stage.

Mr. *Wallace* said, he had no wish to refuse the fullest opportunity to parties concerned to defend their interests.

Mr. *M. A. Taylor* would oppose the bill in every stage, and was for inserting any article by which the bill might be likely to be thrown out. If passed into a law, it would transfer the trade of England to the opposite shores.

Mr. *Ricardo* considered it a happy omen that so many gentlemen were now of opinion that our system admitted of improvement. The only complaint he had against the bill was, that it did not go far enough.

Mr. *Brougham* said, he recognised in this bill a portion, though a very minute portion, of the improvements in our commercial system which had often been recommended from his side of the House. A few years since, he had occasion to call their attention to the state of the manufacturers of this country, who had been then almost as much distressed as the agriculturists were now. He then alluded to the improvement of the navigation laws as a remedy, and had remarked, that they had indeed been once beneficial, but that their character had since changed. On that occasion the very person who now brought forward the present measure, had moved the passing to the order of the day. He (Mr. B.) rejoiced that in this improving age the measure which had been so treated five years ago was now brought forward under auspices which made success almost certain. As relaxation had begun on a

point where it was not natural to have expected it, he had no doubt that farther relaxations would take place on those points where a liberal policy was more manifestly the interest of the merchant. He hoped that the principle of this bill would be made more effectual, by being applied to the criminal law and the system of taxation, as well as to the commercial policy of the country; and he trusted that when similar propositions should again emanate from his side of the House they would meet with more liberal treatment than they were accustomed to receive.

The amendment was withdrawn, and the clause agreed to. The other clauses were then agreed to, and the House resumed.

HOUSE OF COMMONS.

Tuesday, May 21.

IRISH PAYMENT OF RENT BILL.] Sir *J. Newport* rose to move for leave to bring in a bill "to authorize occupying tenants in Ireland to tender in part payment of rent receipts for grand jury and parochial assessments, subject to certain exceptions." This bill materially concerned the interests of a large portion of the people of Ireland, whose distresses it was calculated to relieve, as well as to place them in a greater degree of certainty as to the payments which they had to incur with their rent. The grand jury presentments in Ireland were peculiarly extensive and severely pressing in their nature upon the occupying tenant. Soon after the Union, the Irish presentments did not exceed 400,000*l*., and they amounted to 1,200,000*l*., a sum always paid by the occupying tenant, one variable in its nature, and against which the tenant had no means of providing at the time he made his bargain with the landlord. It would be material to consider whether the latter ought not to bear some portion of this expense. He did not mean to meddle with existing contracts. The object of his bill was prospective, and only to affect future bargains. He thought the disbursements, though made in the first instance by the tenant, should be repayable to him by the landlord on the settlement for rent. It was most desirable in Ireland that the tenant should be placed in such a situation as to know exactly what sum he had to pay, and not be responsible for local payments of the kind he alluded to, in addition to his rent.

After a short conversation, leave was given to bring in the bill.

IRISH CIVIL LIST.] Mr. *Hume*, in moving for a return of all pensions, allowances and other expenses paid out of the Civil List of Ireland, observed, that he was extremely desirous of ascertaining how they had been augmented to so large an amount. The civil list of Ireland amounted in the first year to, 214,877*l*. and the permanent charges on the consolidated fund, were 402,339*l*.—He was aware that many compensations and allowances had been granted at the time of the Union, with little attention to economy, or consideration of the services for which such pensions were granted. It was necessary that the whole subject should be revised, and he could point out a mode by which an immediate, though a small, saving might be made to make a beginning with. In the list of pensions, and he should state that as an example of the little attention paid by the government to the expenditure in Ireland. He saw that 200*l*. was annually given to two individuals since 1726, on the conditions that the annuity should be continued until the principal sum of 2,000*l*. were paid to them *at once*. Now, at 3 per cent the interest of 2,000*l*. would be 60*l*., and at five per cent 100*l*., so that at least half the sum every year charged upon the public might be spared by paying the sum of 2,000*l*. at once. Pensions in Ireland had been obtained in a very doubtful manner, and he thought that many of them would not bear inquiry. It might also be found, that a number of individuals held offices and at the same time received retired allowances for offices they had lost, or for others from which they had retired on superannuation. When the exchequers of England and Ireland were consolidated, pensions and allowances to the amount of nearly 7,000*l*. were granted to individuals whose services were no longer wanted in that office. A Mr. Crofton obtained an allowance of 1,000*l*. a year, and now filled, as reported to him, (Mr. H.) some employment or place in the vice treasurer's office, with pensions for himself and other branches of his family amounting to near 1,000*l*. a year more. A Mr. Mitchell was in the same predicament; he had three offices and retiring pensions which with his emoluments, were about 1,150*l*. Out of eighteen individuals, there might be others who either ought to give up their places,

or their allowances; if they filled official situations their pensions might be relinquished, and the money saved to the public. He begged leave, while upon the subject of the Irish civil list, to notice an opinion promulgated by the noble marquis on a former night with so much confidence, that it was calculated, although contrary to all experience and sound policy, to produce a false impression out of doors. It was, that the civil list, being a contract with the Crown, for the king's life was not under the cognizance of the House. If so, why had the noble marquis himself come down in the year 1815, to the House, to claim and obtain and additional allowance for the civil list? If it were a contract, it must be equally binding on both parties. In the first year of the late reign the civil list was fixed at 800,000*l.* but by the 17th Geo. III. c. 21 it was increased to 900,000*l.* in 23rd Geo. 3rd 950,000*l.*; in 44th Geo. 3rd. 1,010,000*l.*; in 50th Geo. 3rd. 1,020,000*l.* in 52nd Geo. 3. c. 2 to 1,090,000*l.* In fact, whenever the civil list was in difficulties and that more money was wanted, it was held not to be a binding contract, at least on the part of the sovereign. But he would submit to the noble marquis, and appeal to the House that such proceedings were not fair. As the parliament had the power, and in its liberality, had from time to time added to the allowances of the civil list, he (Mr. H.) thought it altogether unreasonable in the noble marquis to deny the power of the House to reduce the civil list, if they should think them too high. Besides the augmentations he had noticed, the pensions to the royal family, formerly paid out of the civil list, were now carried to the account of the consolidated fund: and in the course of the late reign the ministers had obtained from the House additional grants to the extent of 3,747,774*l.** The Crown had besides about one million from the droits of Admiralty, and near a million from other resources; and, on the whole, the Crown had obtained during the last reign between 5 and 6 millions beyond the amount specified in the supposed contract. It was his intention also to move for a return of the pensions and allowances in Ireland, not paid out of the civil list, as well as for a return of the manner in which 20,000*l.* voted by the House for civil contingencies in Ireland had been expended as there were some rather extraordinary charges under that head. He saw that 637*l.* 7*s.* 11*d.* had been paid to sir C. Flint, for transmitting the public acts of the session, and 1,602*l.* for prosecutions of the Bank of Ireland. These matters deserved inquiry, as well as the application, in 1819, of 10,000*l.* as secret service money; and in 1820 and 1821, of still larger sums under the same head, of which no account had been rendered. He also found, that out of the civil contingencies, 2,910*l.* and 660*l.* were paid to the secretaries of the lord lieutenant; whether for salaries or on what account he did not know, but he saw no reason why any such payments should be made to them from that source.

The Marquis of *Londonderry* was surprised, after it had been intimated to the hon. gentleman, that no opposition would be made to his motion, that he should have brought forward such a variety of details, which no man could be prepared to answer on the sudden, which were calculated to produce false and painful impressions—and which could answer no practical purpose. With reference to the question the hon. gentleman had again raised on the contract of the civil list, he (lord L.) contended, that it was a contract of the strictest kind, under the sanction of the law. It was true, that like all contracts, it could be avoided by consent of the parties; and whenever the Crown came to parliament, the whole question was thus opened to revision. But the Crown had never said—"give me back my hereditary duties;" and the public had been a gainer during the whole of the late reign, by an arrangement made at the beginning of it, to the extent of eight or ten millions.

Mr. *Bennet* said, that constitutional authorities were decidedly against the position of the noble marquis. As to the Crown having been a loser by the contract, if the public had not been saddled

* Debts of the Civil list paid by parliament since the accession of Geo. the 3rd. over and above the regular allowances of the civil list.

In 1769	£.513,511	
—77	618,340	
—84	60,000	
—86	210,000	
1802	990,053	
—4	591,842	
—5	10,458	
—14	118,853	
		3,113,061
Regency expenses, viz. 52 Geo. 3, c. 8.		100,000
April 5, 1815, to pay off arrears		534,713
		£.3,747,774.

with many of the burthens formerly borne by the Crown, it might have been a gainer. As it was, the Crown had had the advantage.

Mr. *Goulbourn* was confident, that the hon. member for Aberdeen was mistaken in several of the statements he had made.

The *Chancellor of the Exchequer* rose to do justice to Mr. Crofton, who had indeed a retired allowance of 1,000*l.* a year, and who on the consolidation of the two exchequers (having served in that of Ireland for 30 or 40 years), requested to be allowed to fill the office of Irish secretary to the chancellor of the exchequer, without any salary. He had done so, and had received nothing for his most useful and valuable services; thereby saving the public 400*l.* a year.

Sir *J. Newport* felt himself bound to bear testimony to the talents of Mr. Crofton in the department to which he had so long belonged.

Mr. *Peel* had been for six years connected by official ties with Mr. Crofton, and assured the hon. member for Montrose, that he was completely mistaken in his assertions. He was also misinformed regarding the secretaries of the lord lieutenant, who received nothing from the civil contingencies.

Mr. *Hume* said, he had spoken of Mr. Crofton, only as one out of eighteen; and if he was mistaken, the return, when produced, would set him right. If the secretaries of the lord lieutenant did not receive the sums he had mentioned from the civil contingencies, he apprehended it would be found that they did obtain them from the civil list, or from the consolidated fund.

The motion was agreed to.

HOUSE OF LORDS.

Thursday, May 23.

IRISH POOR EMPLOYMENT BILL.] The bill having been read a first time,

The Marquis of *Lansdown* said, he was not friendly to the suspension of the standing orders of the House for the purpose of accelerating the progress of bills, but under the special circumstances of the present bill, having for its object, the immediate relief of a considerable portion of the population of Ireland now labouring under the most severe distress, and recollecting also that at the commencement of the session the standing orders were suspended for the purpose of passing with greater rapidity measures for their coercion, he thought this was a case in which their lordships might be fairly called upon to suspend these orders, for the purpose of enabling this bill to be passed at once through its different stages.

Lord *King* had no doubt that their lordships would willingly give their consent to this measure, tardy and inefficient as it was. In the distressed districts of Ireland, a million of people were said to be in a state of absolute starvation; and this bill proposed to lay out 50,000*l.* in giving them employment. That was a sum which, if fairly distributed, would only be a shilling a piece for each distressed individual. But it was not too much to suppose that a considerable part of the sum would be intercepted in its progress, and be lost in jobs. There was nothing done in Ireland without a job. Much offence had been taken in another place at a learned person's declaration, that the landlords of Ireland were rapacious; but it was not merely of the landlords that the people of Ireland had to complain. The learned person might have spoken also of the rapacity of the church of Ireland, and of the government of Ireland.

The Earl of *Limerick* was surprised that the noble lord should choose such a moment for repeating any exasperating language, which might have been used in another place. For his part, he would assert that, whoever had cast on the landlords of Ireland the charge of rapacity, such charge was not founded in fact. There were, undoubtedly, some rapacious landlords in Ireland, and so there were in England. As to jobbing, it was most unfair to apply it exclusively to Ireland; for if the public money was to be laid out in England some of it would find its way into the pockets of those who were not intitled to it. What had been done in this country for the relief of Ireland was most generous, and would, he doubted not, have a powerful influence in the work of conciliation.

Lord *King* protested that he had not held exasperating language. The whole object of what he had stated, was to show that all had not been done which ought to be done in so pressing a case. Those who had caused the evil ought to be more liberal in relieving it. The sum given by the bill was too little to afford any substantial relief to the suffering people of Ireland.

The Earl of *Blesington* denied that there was any foundation for the charge of rapacity, as applied generally to the landlords of Ireland. With regard to the bill, it was a measure highly satisfactory to him, though he trusted that it would be followed by other measures for the relief of the suffering people of Ireland.

The Earl of *Liverpool* said, that under the special circumstances of the case, he was induced to support the bill; it being, in his opinion, objectionable in principle. The general principle acted upon in England was, to leave public works, such as roads, canals, &c. to individual or joint speculation, it being well understood, that under such a system, individuals were induced, for the sake of their own interest, to a careful superintendance, and a more economical expenditure of money in consequence took place. As to the objection, that the relief was of small amount, it was only necessary for him to say, that it was considered enough for the present exigency, and that there would be ample time to apply a further sum for the same purpose if the present should be found insufficient.

The Marquis of *Downshire* regarded the measure as merely temporary, and trusted that government would look a little deeper into the state of Ireland. The great cause of the discontents in that country he considered to be the state of the law respecting tithes. He concurred in every thing that had been said on that subject by a noble duke (Devonshire) previous to the recess. The revision of the tithe system was indispensable, for nothing could be worse adapted to the situation of the country. He was himself a great proprietor of tithes, but he was willing to make almost any sacrifice to get rid of a system fraught with such injurious consequences to agriculture, and productive of so much discontent.

The Earl of *Darnley* was sensible of the hardships of the tithe system, but considered the want of employment to be the great cause of the present distress in Ireland. He wished that what was now done had been done sooner, and thought that it would have been more gracious to vote as much for the suffering people of Ireland as parliament had done for the Russians, Spaniards, and Portuguese. With respect to landlords in Ireland, he disclaimed any thing like a system of oppression on their part.

The Marquis of *Lansdown* gave notice, that if no measure of a more permanent nature should be brought forward, he would shortly call their lordships attention to the situation of Ireland, with the view of proposing some measure having for its object to promote the happiness and secure the conciliation of the people.

The bill went through all its stages, and was passed.

HOUSE OF COMMONS.

Thursday, May 23.

WELCH JUDICATURE.] Mr. *Allen* prefaced his motion upon this subject by a variety of observations upon the state of the courts of justice in Wales. He complained generally of the want of responsible officers, and of the inefficacy of process issuing from the courts of equity. The courts of common law were, perhaps, in even a worse condition. The allowing judges to practise as barristers between the sessions was highly objectionable. It opened a door to connexions between judges and attorneys, which might be highly prejudicial to the ends of justice. The hon. gentleman further complained of that law which permitted the trying of a Welsh cause in the nearest English county. When the House heard that the cost of such a removal was 300*l.*, they would at once see that the power was useless to the poor, and capable of being converted into an engine of oppression in the hands of the rich. In fact, in any dispute between a rich man and a poor one, the threat to try at Hereford commonly put an end to the suit. In proportion to the inexperience of the judges, the number of offences might be fairly presumed to have increased. Under the present system, strong political objections might be urged to the Welsh judgeships. These judges were now capable of holding offices at pleasure, and of retaining their seats in that House. The public opinion of their integrity must be weakened by the knowledge that they were selected from a different class of men from that out of which judges in England were chosen. The defective state of the judicature had a tendency to increase the number of attornies in Wales; yet, notwithstanding the multitude of these gentlemen, either their inexperience or incapacity was very great under the existing arrangement, or they had not time to do justice to their clients. Sometimes issue was not joined for three days

together after the plea had been put in. It might be supposed that he was prepared with some outline of the system which he proposed to substitute in lieu of the present Welsh judicature. In the first place, he should propose to make such an arrangement as might render two judges adequate to the whole of the duties; and secondly, he should suggest a plan by which employment might be found for these two judges in London, between the terms. He should propose to divide the Oxford circuit, and to appoint, as assize towns, four places for South Wales; namely, Worcester, Glocester, Monmouth, and Hereford; and four for North Wales —Shrewsbury, Chester, and two others. It was his purpose that these judges should form, as it were, an additional Court of King's-bench; that they should have equal rank, salaries, and honours, with the judges of the King's-bench in England. They might be occupied in the discharge of insolvent debtors, in hearing cases after term, and in relieving the Court of King's-bench in London from a portion of their criminal proceedings, particularly in revenue cases. Of the necessity of such relief a very strong instance had occurred only a few days ago. Some libellers were brought up in the Court of King's-bench to receive judgment for defaming the late Queen. Judgment in that case was obliged to be postponed, because the court was not full. Now, the measure which he had to propose would keep the court always full, and prevent these inconveniences from occurring. He had prepared some resolutions, which he should move in the committee, if the House would allow the measure to proceed so far. He was disposed to think that the whole of this plan might be effected by appointing two more judges of the Court of King's-bench, in the room of the chief justice of Chester, and the seven other Welsh judges. Such a plan as he had now opened would greatly shorten those sittings after term, which now left to the judges of the Court of King's-bench little or no vacation. Only a fortnight ago he was informed that there would remain for these sittings more than 40 cases in the Court at Westminster, and 100 in the Court at Guildhall. The hon. gentleman concluded by moving, "That this House do resolve itself into a committee of the whole House, to take into consideration the reports of committees upon Welsh Judicature in the years 1817, 1820, and 1821."

Mr. *Barham* said, that on fairly viewing this subject, any one would naturally ask what reason could be assigned for supporting a separate judicature for so small a part of the united kingdom? Reasons, cogent enough, might have existed in the time of Henry 8th; but what was there now in the state of Wales, so different from that of any other part of the empire, as to make such a judicature necessary? He might be answered, that the language of the country was different. But to this he should rejoin, that the proceedings, the barristers, the judges, were all English. The country was mountainous; but many parts of England were equally so. He believed the present Welsh judges to be men of learning, integrity, and honour, but he must be allowed to observe, that the judges in Wales were not looked upon by the people with the same respect that was shown to the judges in this country. The Welsh people could not but be aware that their judges were chosen, sometimes, rather for their parliamentary services, than for their professional qualification. The best evidence of the opinions of the people was to be found in their own conduct; and certain it was, that they removed every thing they possibly could do —and that at a great charge—to another judicature. Without meaning any reflection on an hon. gentleman opposite (Mr. Jones), he did think that the motion would do a great good, if it should reduce the number of Welsh attornies in some proportion to the remainder of the population.

Mr. *Jones* expressed his decided disapprobation of the motion. Admitting for the argument that the court of equity could not enforce it's decrees, it was in the option of the plaintiff to proceed either there or in the superior court of England; but he was prepared to show, in opposition to what had been stated, that it could enforce its decrees. Having gone through the whole of the evidence annexed to the two reports, he felt satisfied that it was strongly against the change now proposed. The hon. gentleman entered into some details in order to support this opinion. He particularly dwelt upon the point, that law was both cheaper and more expeditious in Wales than in England, and to this effect he quoted the words of the report of the committee of 1819. He also adverted to the testimony in favour of the

alteration, and mentioned in succession the names of the judges who had formerly presided in Wales, and of the more eminent barristers who had practised there. He had never been more astonished than by the attack upon the mode in which the criminal law was administered in the principality, and was willing to give up the whole subject, if it could be satisfactorily proved that injustice had been done in a single instance. He agreed that the Welsh judges should not have seats in that House, and that the appointments ought to be made by the lord chancellor, and not by the Treasury, so that the office might not be conferred from any political motives. He was himself ready, if the present motion were rejected, to bring in a bill to remedy existing defects and abuses, such as were found by the committee to prevail; and which bill had had the sanction of the first legal authorities.

Sir *J. Mackintosh* said, he should be curious to see in what manner the hon. gentleman would word his clause to prevent the appointment of Welsh judges from political motives, and to deprive the Treasury of the power which it possessed at present by law, in order to transfer it to the lord chancellor. The old mode of appointment by the minister of the day, was, of itself, a most abominable evil; and he put it to those who heard him, whether the inhabitants of the principality of Wales were not entitled to the same pure administration of justice as the people of England. It was puerile to bring forward the names of respectable persons who had taken Welsh judgeships only as a stage in their professional advancement. He might just as fitly quote the names of lord Bacon and lord Coke, in favour of the continuance of the court of star chamber. Would any man say that the principle of selection was the same with the Welsh judges as with the other judges of the land? It was not to be denied, that the former had been chosen for their parliamentary influence; and if this was the fact, what more was it necessary to state in support of the present motion? He was not at all sure that the exclusion of Welsh judges from seats in the House would be effectual. They might still be named from parliamentary considerations; and, though the mode and form might thus be changed, the effect would be the same, while the responsibility of the advisers of the Crown in this respect might be lessened. The details given in the course of the debate, showed that the tribunals in Wales were incompetent and inefficient. As to the question whether the inhabitants of the principality were in favour of the amendment suggested, that it was a matter peculiarly for the consideration of the legislature, and upon which popular opinion could be least of all valuable. The proposers of this committee, in his opinion, deserved respect and gratitude for not having excited clamour upon a subject of so much nicety and difficulty. The inclination of his mind was always against increasing the number of the judges, without a manifest necessity. He was fully aware of the advantage of having a small number of superior judges. It was only when the number was small, that the highest point of honour was placed in the judicial integrity and propriety of their conduct, for any number of years. Where the number was great, there would be many instances of failure both in point of ability and in point of propriety; and the more numerous such instances became, the more general would be the fall of tone and feeling on the subject of judicial honour. Such a fall of tone, he should regard as the greatest public misfortune. He had always thought, that two circumstances, which were most happy, were to be found in the judicial administration of this country. The first was, that the great secret had been discovered of making the superior judges small in number, and giving them an ample income; but not so large as to lead to improper appointments. The second circumstance was, the giving of dignity to gentlemen of wealth and character by the only means by which it could be given to them, that was, by making the duty of magistracy gratuitous in their hands. They enjoyed a rank above their fellow-citizens only by the faithful discharge of the most important duties. This state of judicature might be called the wisest and the happiest that ever existed, according to the views taken of its origin and history; for he would not take it upon him to say whether it was the result of human contrivance, or the happy effect of time and circumstances. But he was jealous of giving the title of judge, high and venerable as it was, to persons of inferior authority and qualifications. There was the highest propriety in keeping the function, station, the very name of judge, as high as they could be kept, and they could be kept high only by keeping

the denomination itself high and limited. He had no prejudice for a particular number—he felt no Pythagorean affection for the number of judges now in our courts—he was effected by no superstitious abhorrence of an increase of judges, if the increase should be necessary. He thought, indeed, that the time was come when an increase of the judges became necessary, both from the increase of business and to spare the time and the health of those whose mental energies were so much tasked and so highly valuable. There were learned friends of his who thought that by a different distribution of duties the object desired might be attained. He did not pretend to oppose his judgment to theirs, after he had so long ceased to practise in courts of law; but he was convinced that the greatest business would always flow to that court where the most decided superiority of talent and character was to be found; and the highest reputation for talents and character would always be found where the greatest and most important business was done. The court of King's-Bench would, therefore, always have most business from its general consideration, its high character, the distinguished part it acted, and the conspicuous place it occupied. He would, then, rather add two judges to the courts of common law than appoint inferior judges.

Mr. *Scarlett* perfectly concurred with his hon. and learned friend, that rather than the respectability of the administration of justice should be lowered by an inequality among the judges, the number of the superior judges ought to be increased; but he did not think the necessity existed. He had no partial attachment to the number of twelve, nor did he think there was any extraordinary virtue in that of four; but he thought that if at present an alteration of the judicature of our courts was necessary, the number of judges ought rather to be diminished than increased. He was opinion that one of the judges of the King's Bench might be detached in term time to do the inferior criminal business, while the higher duties might be performed by three. There was a great deal of minor business which came before this court, and which he thought might be disposed of as he proposed. As to the present system of Welsh judicature, it was undoubtedly very defective, It was difficult to suppose that gentlemen at the English bar, who were in any thing like eminent practice, would accept of the appointment of a Welsh judge, the total income of which did not exceed 1,100*l.* a year. It appeared also from the evidence of a Welsh judge before the committee, that a very small number of causes on each circuit were tried in Wales. It would appear that many were tried elsewhere and many compromised; and he could not think that the best system of justice from which men fled by compromise rather than trust to the justness of the decision. This system had been said to be ancient because it had been instituted by Henry the 8th; but he did not think the Welsh would be obliged to any one that said so. He knew something of the Welsh notions of antiquity; and as the reign of Henry the 8th was modern in English history, in Wales it was but of yesterday.

Colonel *Wood* thought, that the great increase of property which had taken place in Wales since the time of Henry the 8th, entitled them to a change in their judicature more suited to their present state. The honourable colonel said he had changed his mind on this subject; and he had done so from conviction.

The *Attorney General* could not agree to the plan of abolition, or of increasing the number of English judges. The present system of Welsh judicature was defective, and ought to be amended; but the hon. member for Carnarvon was about to bring in a bill to remedy those defects, and the House was not at present in a condition to come to a decision on the question. Besides, the opinions of two previous committees were in favour of amendment, and not of abolition.

Mr. *C. Wilson* bore testimony to the respectability and integrity of the Welsh judges; but said, that any measure which would have the effect of assimilating the jurisdictions in Wales with those of England should have his support.

Mr. *Wynn* said, that he should, as a general principle, have no objection to the jurisdictions in Wales being assimilated to those in England; but he did not think that such a measure could be carried into effect without considerable inconvenience. He had no objection to discuss a bill on the subject; but he could not give his assent to the whole of the resolutions before the House. He would suggest to the hon. member to withdraw his motion now, and if he should not be satisfied with the plan to be proposed by the member for Carnarvon, he might renew it at a future day.

Mr. *M. A. Taylor* supported the motion, but was unwilling that a question of such importance should be disposed of in so thin a House. He therefore moved as an amendment, that the debate be adjourned to that day fortnight.

The gallery was cleared for a division; when there being only 34 members present, the House adjourned.

HOUSE OF COMMOS.
Friday, May 24.

ALEHOUSES LICENSING BILL.] Mr. Bennet presented a petition from the licensed victuallers of the metropolis complaining of the present mode of Licensing Public-houses.

Mr. *Carew* felt many objections to the bill which the hon. member for Shrewsbury had introduced.

Mr. *Bernal* observed, that the interests of those brewers who were freeholders of public-houses would be very materially injured by that clause of the bill which provided that a magistrate should grant a license to any individual who possessed the qualifications necessary to enable him to open a public-house. The clause would also hold out greater temptations to drinking.

Mr Alderman *Smith* expressed himself inimical to the bill.

Mr. *Littleton* suggested, that it was expedient to introduce a clause into the bill for encouraging the sale of beer of a diminished strength.

Colonel *Trench* thought, that the brewers of London had too long enjoyed the monopoly of their trade.

Mr. *Marryat* believed that the proposed measure would operate injuriously upon the vested interest of the brewers.

Mr. *Hume* could see no reason why the trade in beer should not be thrown open.

Mr. *Brougham* considered it a measure of the first necessity, to break down the present system of licensing public houses, although in doing so, care should be taken to injure as little as possible the vested capital of the brewers. He did not think that if the number of public houses were larger than at present, the amount of tippling would be increased. As well might it be contended, that, in a private party, the quantity of liquor that would be drank would depend upon the number of glasses placed on the table. He could see no objection to throwing open at once the retail trade in beer. At present, no persons without a license could sell any quantity under five gallons, or two dozen bottles. There might, perhaps, be some doubt as to the propriety of increasing or decreasing the number of public houses, but there could be no doubt about allowing the poor man to procure his pot of beer with the same facility that he purchased his loaf. He therefore gave notice that, in the event of any misadventure happening to his hon. friend's bill, he would bring forward a measure, making it imperative on the magistrates to grant a license to any person wishing to enter into the retail trade.

Mr. *Bennet* said, that, in looking to the abuses which had so long existed in the licensing system, he felt that those abuses could not be fully remedied, or the monopoly broken up, without injuring the private properties of certain individuals. Therefore, his object, when he first brought the question forward was, with a view to have it discussed, and understood both in and out of doors. If the magistrates in the country, generally, would adopt the system practised in Wiltshire, there would be little fear of a monopoly of licenses. The magistrates of those counties, whenever they found that the brewers had a monopoly in any one district, instantly granted a new license, by which means all monopoly was destroyed. He begged the attention of the House, while he stated a few instances of the extent to which the monopoly of the beer trade had been carried in some parts of the country. In Portsmouth there were 231 public houses; of these 168 were in the hands of brewers, 34 in the hands of spirit-merchants, and 29 were free houses. In King's Lynn there were 68 public houses, all in the hands of the corporation or of brewers. In Brighton there were 66 of which 55 were in the hands of the brewers. In Watford, St. Alban's, and Reading, all the public houses were in the hands of the brewers. In other counties, such as Staffordshire and Shropshire, where beer was brewed at home, there was another description of monopolists — he meant the malsters of those counties. In one district near London there were 180 public houses, all of which were in the hands of brewers except 12. In the eighteen excise districts there were 8,859 public houses in the hands of brewers, being a proportion of five to one of the whole number. Having thus pointed out the evil, he now came to the remedy. He had intended to open the beer trade

farther. To that measure opposition had been made: and he did not wonder at it. Persons who knew any thing of borough towns, would know, that the brewers there were no small persons. Next to his majesty's government there was scarcely an interest more formidable than the interest of the brewers. In fact, he found that if he attempted to carry his bill through in its original shape, he should have no support but from a few of his friends. He therefore intended to strike out the clause which made it compulsory upon magistrates to grant licenses when demanded. He admitted the force of the proposition suggested by the hon. member for Winchelsea, but he feared that that measure would be as prejudicial to the publicans and brewers as the clause which he himself had but then given up. His objects at present were two-fold; first, to bring public houses under a certain discipline, and secondly to give a security to that sort of property, which it did not at present possess.

Mr. *Hume* thought it would be expedient to adopt the licensing system practised in Scotland, under which no monopoly existed.

Mr. *F. Palmer* thought, if the hon. member abandoned the clause making it compulsory on magistrates to grant a license, he might as well give up the bill altogether.

Ordered to lie on the table.

NAVAL AND MILITARY PENSIONS.] The House having resolved itself into a committee on this subject,

The *Chancellor of the Exchequer* said, that he would call to the recollection of the House, as briefly as possible, the principle of the resolutions on this subject already agreed to by the House. The resolutions to which the House had agreed [see p. 284], recognized the military and naval pensions granted during the late war, and also the civil superannuations granted by consent of parliament, as a charge on the public, and as forming part of the public debt. These pensions were granted for the services which brave and meritorious persons had rendered their country. Without attempting to carry the analogy farther, he would say, that the House having recognised the principle that these pensions formed part of the public debt, had also recognised the propriety of this principle—that where a large public debt pressed upon the country, in order to relieve the country as much as possible from the pressure of that debt, it was expedient to throw the weight of a portion of it over a certain number of years, by which means the payment would appear more easy, and less irksome. The number of years, in the case before the House, was limited to 45, because the allowances now made to naval and military officers and other persons, would, before the expiration of that period, be nearly extinguished. After the resolutions had been passed, measures were taken to carry the object of parliament into execution. The wish of government was, to leave the matter, after full and fair notice, open to the competition of all parties; and after certain proceedings had taken place—proceedings which were marked with the utmost candour on the part of those who took part in them—attempts were made by the Treasury to conclude negotiations with some of the leading capitalists in the city. In point of fact, there had been much communication on this subject with various individuals, and the particulars of those communications were in part before the public. But, as the negotiations had had no effect, it became his duty to submit another mode in which the wishes of parliament could be accomplished, always concluding that the plan would be finally sanctioned by the approbation of the House. In forming a contract of the nature which he had proposed with individuals or corporations, there was a possibility, and even a probability that there would be great loss or extreme advantage to the parties contracting, and it seemed that the fear of grievous burthen had operated to prevent contractors from making any offers. On this account it was probably more expedient that the plan which he now proposed should be adopted, which was, to place the annuities which were to be granted in lieu of the decreasing payments in the hands of trustees accountable to parliament. In this case the risk would fall where it was proper it should fall—on the public. If there was a profit, it would go to defray the public charges; and if there was a loss, it would fall upon the public, as it would have done if no such plan had been adopted. He hoped, therefore, that without any variation of the principle which had been sanctioned by the House, the plan which he proposed for the execution of it would be found just and beneficial. He should state the nature of the resolu

tions which he should propose to the committee. It was his intention to propose as his first resolution:—

"That, for the purpose of apportioning, conformably to the resolutions of this House of the 3rd of May, 1822, the burthen occasioned by the Military and Naval pensions and Civil Superannuations, it is expedient, that an equal annuity of 2,800,000*l.* terminable at the end of 45 years, should, from the 5th of April, 1822, be vested in trustees to be named by parliament; and that the said Annuity should be charged upon the Consolidated fund of the United Kingdom of Great Britain and Ireland."

This resolution, it would be observed, was the same as the one first proposed; but as the whole of the loss or gain would fall on the public, the object in view would be effected in the most economical manner, as it depended on no calculation of chances, and thus avoided the necessity of giving any pecuniary inducement to the parties who undertook the risk. The sum of 2,800,000*l.* had been assumed as the amount of the annuities; though it was lower than that which would have been necessary, if the contract had been entered into with any contractors. This sum would make the calculation just, if the interest of money was taken at 3½ per cent which would give the 3 per cents at 82. His noble friend, when he had first opened the plan to the House, had very properly, in the course of his illustrations, taken a sum which could give no clue to the parties intending to contract. But now that the plan was not to be managed by contract, it was immaterial what sum was taken, except as the purpose of making the produce of the annuities sold meet as nearly as possible the actual charge. He had stated that the sum of 2,800,000*l.* annuities, for 45 years, was taken on the calculation of 3½ per cent for the interest of money, or of the 3 per cents at 82. Taking the 3 per cents at 75, which was equal to 4 per cent interest on money, the amount of annuities necessary would have been 2,862,000*l.* At 4¼ per cent the sum necessary would be 2,902,000*l.*; and as 4¼ per cent was the rate of interest on which the 5 per cents had been reduced, that would have been about the rate at which the money could probably be obtained from any contractors. He had, therefore, taken about 100,000*l.* of annuities less than any contractors could have taken. This was a circumstance which it was material to bear in mind when they came to speak of the reduction of taxes; for though he assumed this as the amount of annuity sufficient, it was necessary that they should bear in mind that it was the very smallest sum which could be adequate to meet the charge.

The remainder of the plan was very simple. Though the time was not yet come for the nomination of the trustees, it would be well that he should mention the sort of persons whom it was his intention to propose in that character. The trustees he should propose would be the great officers of the departments in which the payments would be made—the first lord of the Treasury, the chancellor of the exchequer, the treasurer of the navy, the paymaster of the forces, the master-general of the Ordnance, to whom would be added, the governor and deputy governor of the Bank, as the payments would be made through the Bank, and as it would be convenient to keep up a confidential and free communication with that corporation. The next resolution was, that the trustees should be chargeable with the quarterly payments of the annual sums, which had been calculated as sufficient to meet the decreasing charge of the pensions and half pay. The third resolution stated the mode in which the sums necessary to make these payments should be realised, viz. by the successive sales of the annuities placed at their disposal, by the dividends on the unsold annuities, or by the power which would be reserved to the trustees of issuing Exchequer bills, when it was thought that the annuities could not be brought to sale to advantage; and, finally, a power would be given to the departments to apply other sums which might be at their disposal, to be afterwards replaced by the trustees from the produce of the annuities or of the Exchequer bills before mentioned. By thus investing the trustees with the power, at their discretion, of raising the money in more ways than one, a considerable economy might be the result. He should take, for instance, the operation in the first year. The first half year's dividend on the long annuities created would be payable on the 20th October next, and the first quarterly instalment would at the same time be to be paid by the trustees. The dividend which they would have to receive on the annuities would be 1,400,000*l.* and the payment

which they would have to make would be only 1,225,000*l*. (1-4th of 4,900,000*l*.) therefore without selling any annuities their first payment would be provided for, and a surplus of 175,000*l*. would remain in their hands till the ensuing 15th of January. At that time, by the sale of annuities, or by the issue of Exchequer bills, it would be necessary for them to make up the sum of 1,225,000*l*. The annuities being for 45 years, were for seven years more than the existing long annuities, and would therefore, at the rate at which the existing long annuities sold, be worth something more than 21 years purchase. On the 15th of April 1823, another half-yearly dividend would be payable on the annuities, and the trustees would be then able to make their quarterly payment without any further sale. On the 15th of July they would again have to raise money by the issue of Exchequer bills, or by the sale of a further portion of annuities, and so on; in the October and April quarters the payment would be provided for from the dividends, and in the January and July quarters, the trustees would have to sell annuities or issue Exchequer bills. It was easy for the House to understand, that if the Bank was disposed to take Exchequer bills, or if a ready sale was found for them in the market, the inconvenience of any untimely sale of the annuities might be avoided. It was to be observed, that the sums to be paid by the trustees rapidly decreased; for in the first five years it was reduced from 4,900,000*l*. to 4,100,000*l*, after which a comparatively small sum would remain to be raised in any mode. The dividends received on the annuities would at last exceed the payments made by the trustees, and they would then be applied to the paying off of the Exchequer bills advanced in the earlier years, or to the repayment with compound interest, of the sums advanced from other quarters.

Among the various points of view in which this transaction might be considered, the most important perhaps was that of its operation on the sinking fund; in the first place, because it was intimately connected with the sinking fund, because it was a discharge of one species of public debt by the creation of another; and because they were bound by the resolutions of this as well as of former parliaments to support an efficient sinking fund of five millions. Now, in the first place, he should say that no sum whatever was taken out of the hands of the commissioners for the reduction of the debt. The sums which would pass into the hands of the commissioners would be precisely the same; and the debt which was now created provided for its own extinction without any additional operation of the sinking fund. This plan, it was to be observed, only provided for the half-pay and pensions with which the country would be charged on the 15th July next. The half-pay and pensions which might hereafter be granted were not provided for; so that, if in remitting the taxes they did not provide for this charge, the country would be left in a worse situation than it was. It was, therefore, proposed, though the sum of 2,200,000*l*. would be the present saving, that a sum should be reserved to meet the charge of future half-pay. Various calculations had been made as to the probable amount of this charge; but as it was dependent on innumerable contingencies which could not be foreseen, as, for instance, the reduction of forces, promotions, and retirements, it was impossible to estimate it exactly. It was thought, however, that a reserve of 400,000*l*. would be sufficient to meet this charge, till the sinking fund reached that point at which its accumulation should stop: that point was the time when its annual amount became equal to one per cent on the capital of the debt. Something more than ten years and less than eleven would bring it to that maximum. This 400,000*l*., till it was necessary to meet the growing charges of future pensions and half-pay, would be applied, in some way or other, to the reduction of the funded or unfunded debt. To keep in view the principles on which parliament had hitherto acted, he thought it most desirable to place the sum at the disposal of the commissioners of the sinking fund; so that for the next and subsequent years nearly 5,400,000*l*. per annum would be at their disposal. In the statement of the annual payments, the average sum payable in each year had been taken. Thus, as the half-pay and pensions were taken in July next to amount to five millions, and at the end of the year July 15, 1823, at 4,800,000*l*., he had taken 4,900,000*l*. as a medium charge. Between the five millions now payable, and the annuity of 2,800,000*l*., there was a difference of 2,200,000*l*. of which 1,800,000*l*. would be applied to the remission of taxes, 400,000*l*. reserved to

meet the charge which would be growing up and remaining without other provision.

It might be thought premature in him, before the plan was sanctioned by the House, to state what taxes it was intended to remit; but as it was desirable to bring the whole of the plan at one view under the consideration of the House, and as he knew how much the feelings of hon. members were interested in this part of the subject, he should now state what he intended to propose in the way of remission of taxes. On the best consideration he could give the subject, with a view of affording that substantial and effectual relief (without which the feelings of the people would be rather trifled with than gratified), he had come to the conclusion as to the taxes which it would be adviseable to reduce. There was hardly a difference of opinion either in the petitions to the House, or among the members themselves, or among those whose judgments were most worthy of regard, that among all the taxes there was none which it was more desirable to reduce, to a very considerable degree, than the salt tax [hear, hear!]. His objection, at an early period of the session, to the motion of the hon. member for Wareham, besides the general objection at that time to the remission of any taxes, was, that it would throw the trade into confusion by a partial remission. The remission he had now to propose was to a much greater extent. Of 15*s.* per bushel, the present tax on salt, he should propose that 13*s.* be given up, leaving a duty of 2*s.* equal to the present Irish duty, which would give the convenience of an equal duty in both parts of the United Kingdom. In this operation, consideration was to be had to the persons engaged in the trade; and it was obvious, that unless the measure was taken with due preparation, it would be ruinous to them. Though, therefore, he intended to propose an immediate resolution for the reduction of the tax, he did not propose that it should take effect till the 5th of January next. There might be some inconvenience to the dealers, and there would be a postponement of the advantage to the public; but, considering the nature of the commodity, the consumption of which was generally from hand to mouth, it was thought that by aid of reasonable arrangements with the excise, any considerable inconvenience might be avoided, and the public would have the satisfaction of the near prospect of a very considerable relief. The Scotch duty which was 6*s.* he also intended to reduce to 2*s.* He was aware that there were some local interests that would be affected by this measure; but the benefit of a free trade in salt, was too great to be impeded by any minor consideration. In order to make the fullest freedom of the salt trade practicable, all allowances and drawbacks on salt for particular purposes would cease, with the single exception of the drawback on exportation to foreign parts; because in the case of exportation the duty of 2*s.* per bushel would be ruinous. Irish salt would not be subject to any other duty than at present, but salt imported from England would be subjected to the duty of 2*s.* The duty in all cases would be levied at the pit's mouth; so that all the charges of management would be saved, and the trade would be left entirely free and unfettered. Though certainly the discontinuance of the allowance of salt duty free to several manufactures might be attended with some inconvenience, yet the great countervailing advantage from the cessation of all penalties and restrictions, would be more than equal to the charge of 2*s.* per bushel. The same statement might apply to the fisheries: though there would be an increase of charge, it would be counterbalanced by the unrestricted supply. The foreign salt imported for the fisheries would be chargeable with the 2*s.* duty, and the additional 3*d.* per bushel which it was now charged with. It would thus be charged in all with 2*s.* 3*d.* per bushel. As he proposed to reduce the fifteenth of the tax, which now amounted to 1,500,000*l.* the reduction would be about 1,300,000*l.* As to the foreign salt imported into Ireland, he should not propose any alteration, at least he did not now entertain a contrary opinion.—The next tax which he should propose to remit was one which it was the more imperative on the House to attend to, as the people of Ireland would derive no benefit from the repeal of the salt tax. On the contrary, it was rather a disadvantage, as it deprived them of a comparative superiority, though that generous-minded people would never object to the relief of their fellow subjects. With the repeal of the salt tax, however, he felt it his duty to propose a contemporaneous measure for the relief of Ireland, and the House would anticipate him in saying, that nothing could be more grateful than the

repeal of the window tax [hear, hear!]. This repeal he proposed should be entire, to take effect from the 5th of July next. This tax amounted to 200,000*l*., and with it he proposed also to repeal the Hearth Duty, a tax not paid in England, and which indeed had been repealed here in the reign of king William, as unfit to be levied; it amounted only to 50,000*l*. Both taxes hardly amounted to 250,000*l*., which, added to the 1,300,000*l*., made 1,550,000*l*. The next article was one to which also the House had frequently had its attention called; he meant the duty on leather. Without due precaution the public would not derive all the benefit of the repeal of this tax. His intention was that the additional duty which had been imposed in 1812, should be remitted, and that the tax and the trade should be replaced on the footing on which it stood from the reign of queen Anne to 1812. The House, however, should proceed in the same manner in this case as with the brewers, and should not repeal the tax till they had an experimental assurance, that the public would derive a benefit from it. He felt the greater necessity for this precaution, because he had observed that since the peace, the reduction of price had not borne a fair proportion to the reduction of the raw material. If they took care to secure this effect there was no tax from the reduction of which the public would derive more advantage; for the commodity on which it fell formed a very serious article of expenditure both to farmers and to the working people. The whole of the leather tax produced 600,000*l*.; he proposed to reduce half or 300,000*l*. There was another reduction which he meant to propose, and which though not of a large amount, would be felt to be highly desirable. It had been frequently urged, in the course of the discussions on the navigation bills which had been brought forward by his two right hon. friends with so much benefit to the country, that notwithstanding the general advantages which would arise to the commerce of this empire and of the whole world, from the adoption of a different principle—advantages which he hoped to see still further extended from year to year —there was one most important interest which was likely to be effected by these measures; he alluded to the shipping interest. A reduction, therefore, which was calculated to relieve any difficulties and embarrassments which might fall upon this class of the community from the operation of a general measure, which parliament, in its wisdom, thought fit to adopt, would at least shew the protecting care of parliament for that particular interest. The duty he proposed to repeal was, the tonnage duty, which had been granted during the war and continued during peace. The tonnage duty on all ships clearing inwards and outwards amounted to 150,000*l*. which in addition to the 1,850,000*l*. already enumerated, made a total of 2,000,000*l*. There was an excess, therefore, of 200,000*l*. beyond the proposed amount of reduction; but he expected that the large reduction of the salt tax would occasion so great an increase of consumption as to cover a considerable portion of this excess. There were some other items which he confidently expected would make up the remainder, so that there would be no ultimate loss to the revenue, beyond the proposed sum of 1,800,000*l*. He hoped that, without going into minute particulars of calculation, he had succeeded in making himself distinctly intelligible to the House. With regard to the plan for vesting the annuity in trustees to be named by parliament, it was certainly expedient, as soon as it was ascertained that the original intention of government could not be conveniently carried into effect, to endeavour to obtain the same benefit by some other arrangement, to which no objection could be made. He felt confident that the House would think the measures proposed were in themselves capable of producing all the benefit which they had in view, and that there was no other objection to them than that which was inseparable from any plans of this nature. —The right hon. gentleman concluded by moving his first resolution;

"That, for the purpose of apportioning, conformably to the resolutions of this House of the third of May, 1822, the burthen occasioned by the Military and Naval pensions, and Civil Superannuations, it is expedient that an equal annual Annuity of 2,800,000*l*. terminable at the end of 45 years, should, from the fifth of April, 1822, be vested in trustees to be named by parliament; and that the said Annuity should be charged upon the Consolidated Fund of the united kingdom of Great Britain and Ireland."

Mr. *Calcraft* congratulated the House upon the propositions which they had just heard. He confessed that he must

have totally misunderstood the right hon. gentleman in the beginning of the session when he fancied he heard him say, that a repeal of taxation would not only be no remedy for the distress under which the country laboured, but that it would actually aggravate the evil. It was scarcely possible that such a declaration could ever have been made by the right hon. gentleman, who had this night risen in his place to move a reduction of taxes to the extent of two millions. But whether he were mistaken or not, what had passed that evening was an encouragement to the House to persevere in their opposition to ministers, and to continue that course which their duty to the country demanded. The right hon. gentleman had gone further in his reduction of the salt tax, than he (Mr. C.) had ventured to propose under the circumstances of the present session. This was a measure which was calculated to give universal satisfaction. If it affected the interests of Ireland, he must beg that country to turn her eyes to the advantages she derived from the monopoly she possessed of our corn market. With regard to the duty on foreign salt, which was only used in one particular part of the fisheries, he really thought the right hon. gentleman ought to increase it. As to the other part of the plan, he confessed himself unable to understand the mode of carrying it into execution. When the noble lord first opened his proposition to the House, there was not a person who heard him who could have supposed that a minister would have gone so far without having the means of executing his plan. All this embarrassment would have been avoided by adopting the plan proposed on his (Mr. C's.) side of the House, namely, that of taking the money at once from the sinking fund. The whole thing might be done at one stroke of the pen, by striking out the word "consolidated," in the first resolution, and substituting "sinking" fund. This would be a straight forward, clear, intelligible course. How could the right hon. gentleman, he would ask, go into the market to borrow money every year, without divesting the capital which would otherwise go into the funds? His majesty's ministers had talked so much, however, of their darling sinking fund, that they had become enamoured of their idol, or if not enamoured, they had said so much in its praise that they were unwilling to recede. After all, if he understood the right hon. gentleman, he had himself declared his intention of coming in a few years to the sinking fund, for when it reached a certain amount, it was to bear a proportion of this debt. As far as he (Mr. C.) was concerned, he should not press for any further remission in the present session. If he found the reduced tax worked well, he should be satisfied, but if the duty of 2*s*. a bushel appeared to press hard upon the fisheries, he trusted the House would be ready to afford them relief.

The Marquis of *Londonderry* said, that after the manner in which the hon. member had expressed himself, it would be unpardonable in him to make a single observation which might interrupt the harmony of the evening. He had not for a long time, passed so satisfactory a moment; nor did he ever remember to have seen the countenances of the gentlemen opposite so creditably lighted up. The hon. gentleman had done such ample justice to the plan of his right hon. friend, and he had spoken of it in such a spirit of candour, and even of kindness, that he (lord L.) should be doing violence to his own feelings if he suffered himself to let fall any expression which might throw a cloud over this happy dawn. There was one maxim of the hon. gentleman, however, from which inconvenient consequences might be drawn, if it were suffered to pass wholly unnoticed. As the hon. gentleman had called upon the House to observe what advantages were derivable from opposing ministers, he (lord L.) would remind the hon. gentleman of the advantages of supporting ministers, whose great object was, to preserve public credit. He agreed with the hon. member, that if the fisheries should be embarrassed or injured by this duty, it would be incumbent on the House to consider the particular bearing of the tax upon their interests. The hon. member had said, that the government had now for the first time discovered that relief for the country was to be derived from the remission of taxes; but surely ministers had contended, as loudly as the hon. member himself, that the House could not be too eager to repeal taxes, provided they did it upon a sound principle. He would not, however, be a party to so gross a delusion as to hold out, that even this large reduction of two millions, in addition to the reduction of a million and a half in the malt duty, which followed close on the repeal of the agricultural horse tax, would be likely to

bear upon the main pressure of the distress which prevailed. The relief was, in fact, afforded to consumers, who were not the class of the community suffering under the greatest degree of distress. The hon. member had said, that if the words "Sinking-fund" were substituted for "Consolidated-fund," all difficulties would be at once removed, and their harmony would be at its climax. When he proposed the principle of a contract, he had good reason to believe, that there were persons disposed to become contractors for the plan. It was not wonderful, however, that persons, looking to the probable contingencies which might arise during so extended a period as 45 years, should entertain doubts, whether, with a view to the interests of the parties for whom they were trustees, it would be prudent to embark in such a transaction. The plan was in consequence changed, and now the public were themselves the contractors. There was, however, no interference with the principle of the sinking fund. Nothing could stand more distinct from the operation of this plan than the sinking-fund did. The fund of five millions for covering the dead charge was not to be confounded with the sinking-fund; for if those two funds were married together, they would make 10 millions. He would not add another word, lest it should disturb the harmony of the evening.

Sir *J. Newport* rejoiced at the repeal of the window tax, and was also happy that the hearth tax was given up, not on account of its magnitude, but because it was extremely disagreeable to the feelings of the people, who viewed it as a badge of slavery. The financial plan appeared to him more desirable in its present shape, than if it had been effected by means of a body of contractors.

Sir *R. Shaw* expressed the great pleasure he felt at the repeal of the Irish window tax.

General *Gascoyne* adverted to the present state of the shipping interest, and said, he experienced great pleasure at finding that it had not been neglected. The right hon. gentleman deserved the gratitude of the country, for the equal manner in which he had distributed relief to different classes and descriptions of individuals.

Mr. *Hume* said, that no member of that House could be more pleased with the remission of two millions of taxation than he was: but he felt much surprised at the tone assumed by hon. members, who returned their thanks to ministers for what they had proposed, in so extravagant a style, that it might be supposed some personal favour had been done by them. He considered it to be the duty of ministers, if the necessity of the country required the repeal of taxes, to remove them immediately. He could not but regret that so much praise had been bestowed for the mere discharge of their duty, a duty, be it remembered, the House and the country had called on ministers to perform, day after day, and week after week. No part of the community, not even the agricultural classes, required greater relief than the shipping interest. He was, therefore, extremely pleased at the remission of the tonnage duty; and he hoped, at a future period, that something further for their benefit, which he had turned in his mind, such as the remission of 1*s.* in the pound on wages for Greenwich Hospital, which was now taken from the merchants service, would be conceded to them. As to the leather tax, he believed its partial repeal would meet the wishes of the public, but he had looked for the entire tax being repealed; and with respect to the repeal of the Irish window tax, every one who knew any thing about that country and the hardships it had suffered, must concur in the propriety of its repeal. He did not, however, approve of the manner in which the salt tax was reduced. When it was remitted, that object should be effected in the most advantageous way. Why, then, for so small a part of the tax as 2*s.* of the 15*s.* should they retain the expense of the whole system of collection and management? He held in his hand a return, from which it appeared that there were 255 officers employed in managing the salt duties in England; their salaries amounted to 26,500*l.*: adding other emoluments, the total expense was 32,000*l.*, and if the charge of 5,000*l.* was added for the officers who superintended these duties in Scotland the amount would exceed, in salaries and allowances, 36,000*l.* per annum. If one-half of the present establishment of officers were kept up, the consequence would be, that the public would pay near 20,000*l.* a year for collecting 200,000*l.* It would, therefore, be better to take off the whole tax and relieve the country from the interference of the excise in the use of that most important necessary of

life. As to the fisheries, instead of laying a duty on salt, the right hon. gentleman might, perhaps, find a mode of lessening the public expense, by reducing the amount of bounties. Why should they charge—say, 2*s*. of duty on salt to the fishery, and afterwards give 4*s*. back in the shape of bounty? Why was not the whole system simplified, and the bounty reduced from 3*s*. 6*d*. to 1*s*. 6*d*. or 2*s*., which would enable the right hon. gentleman to exempt the fisheries from the additional duty? He here expressed his anxious hope, that the government would take the system of bounties into its consideration, with the view of abolishing them. He doubted much the policy of keeping up any trade by bounties which after a fair trial could not exist without them. The effect was, to supply herrings &c. cheap to other countries, by taxing the people of England to pay a part of the expense of production—this ought not to be continued. The hon. gentleman then alluded to the financial plan of the chancellor of the exchequer, to raise money by long annuities, and contended, that it would be the simplest and best mode to take the money at once from the sinking-fund. What was it the chancellor of the exchequer proposed to do, but sending one set of commissioners into the market to sell annuities and incur new debts, whilst they employed other commissioners to purchase annuities and to pay off part of the same debt? Although he was certain, that without the walls of the House there would be none weak enough to deny that this was not in effect an interference with the sinking-fund. Though it was affirmed within the walls of that House that this measure did not interfere with the sinking-fund. If it was improper to adhere to the resolution for 5,000,000*l*. of a sinking-fund, why not revise it? If the wants of the country required relaxation from taxation, why not break through the resolution for the purpose of adopting a course which would be in all respects more economical? and on one consistent principle—instead of employing new commissioners, the commissioners of the sinking-fund ought to be required to advance the necessary sum, and to re[illegible] hereafter the profits of the contrac[illegible] the benefit of the sinking-fund. [illegible]this there would be no expense of management, and no risk; and the proceeding would be intelligible to the world, and the delusion of not interfering with the sinking-fund, when it was manifest to every one that they were interfering, got rid of at the same moment. If the right hon. gentleman was delighted with complexity, if he must have his darling operation of selling and buying, let him adopt this plan; by which the sinking-fund would gain what the public treasury would lose. He would add that if the public money was to be economically applied, this plan of the chancellor of the exchequer must be abandoned, and he trusted that the committee would see the propriety of adopting his amendment, and so dispensing with the cumbrous machinery of the other plan. Gentlemen were naturally delighted with a remission of taxes, but in their delight they ought not to squander the public money. He begged leave to move as an amendment on the first resolution, "That the balance between 2,800,000*l*. and the several sums set forth in the scale for the first 15 years should be taken from the commissioners of the national debt, and that the balance be paid again to the commissioners on the 16th and subsequent years."

Mr. *Curwen* could not refrain from expressing his satisfaction at the selection of taxes to be remitted. The effects of the remission of the salt tax would be greater than were calculated upon. He was, however, anxious that the whole duty on rock salt should be remitted; for then agriculture would be greatly relieved, and trade inconceivably increased. What was proposed to be done would, he was persuaded, give general satisfaction to the country.

Mr. *Davenport* congratulated the House on the great remission of taxes which had been announced. He begged to suggest, as the salt duty was to terminate in January next, that much relief would be afforded to the dairy farmers, who consumed great quantities in cheese and butter, if it were taken off in the present year.

Mr. *W. Smith* regretted that the whole tax on salt was not remitted, in order to save the expence of collection, and wished the whole of the leather tax was repealed also. With respect to the amendment, he was surprised that the point should not be given up by ministers; for nothing could be more clear to any rational mind than that there could be no sinking fund but what arose from the surplus of revenue above the expenditure. The best course, therefore, was, to take from the sinking fund without disguise, and in a manner

that would prevent any increase of establishments.

Mr. *J. Benett* said, he would rather see the whole of the salt tax taken away, and the leather tax left as it was, than both reduced, but still retaining the expense of collection. He rejoiced in the reductions that were made, but hoped they would not have a tendency to relax the endeavours of members to push the principle of economy still further.

Mr. *Bright* observed, that the fisheries would not feel the benefit of the repeal, if it was merely partial, and would therefore be dissatisfied. Another class of persons who had great interest in the removal of the whole tax, were the linen bleachers of Ireland; and he would submit whether it would not be right to remove the pressure from the staple manufacture of the sister kingdom. He rejoiced that the tonnage duty was also removed, as it would be of great advantage to the commercial interests.

Mr. *Hutchinson* could not withhold the expression of his satisfaction and congratulation for measures so well calculated to give relief. He was most grateful for the remission of the Irish window tax, and also for the relief which in the leather tax would follow. With respect to the salt tax, he wished the whole had been reduced; but he trusted that the operation of the arrangement on the subject of foreign salt would not affect injuriously the provision trade of Ireland.

Mr. *Ricardo* said, he was most ready to commend the conduct of ministers where he found it prudent and proper; and in the proposed remission of taxes he thought they had acted judiciously in listening to the general prayer of the people. But, when he offered this commendation, he must decline concurring in any terms of excessive gratitude. He confessed, that he owed no gratitude to ministers for giving the people what was, in fact, their own money. If, indeed, the ministers had framed any plan for giving the people any portion of money which did not really belong to them, then would be the time to offer them fervent gratitude. But he thought that ministers, in coming down with all that earnestness to announce the remission of taxes, had not dealt quite fairly with the House. It looked as if they wished to induce the House to assent to those parts of their proposition which were bad, under the cover of those parts which were good. Now, he thought it was the duty of that House to separate the bad from the good, and by its vote to get rid of the former altogether. Under that view, he should support the amendment. He regretted much that any portion of the salt tax was continued, he did not wish that any nucleus should remain, because they well knew with what vigour, under the management of the exchequer, it would spread. [Hear, hear.] As to the present plan for meeting the dead expenditure, it was nothing more or less than an annual loan, in the contracting for which either a profit or a loss, as in all other loans, must follow. To the public, then, at last they must go for that loan; and as there was no ascertained stock in which it was to be funded, it would be of course less marketable, and consequently a greater profit must be held out to the contractor. Why then not keep that advantage to the country? There was another fallacy: for as the period of 45 years approached to a termination, what was to prevent the chancellor of the exchequer of the day, from converting these annuities into a perpetuity? He did expect the vote of the hon. member for London. That hon. member had qualified his support to the former plan, by hoping that the chancellor of the exchequer would take advantage of the present high price of the funds, in making his bargain for the public. Now, by the proposed scheme, the sale of the annuities was to be annual, and of course the purchases. Being thus made from year to year, such sales and purchases must be subjected to the contingency of war, and the depreciation of the price of stocks. Besides, if the market failed the right hon. gentleman, he must issue Exchequer bills, and add to the unfunded debt. If war subsequently occurred, he would then have to fund at a greater expense.

Mr. *Wilson* said, he considered the present proposition as nothing more or less than a loan; indeed it was worse than a loan, as it trenched upon the sinking fund. It went to borrow from year to year, instead of being fixed on a long annuity. He was, however, quite gratified at the remission of taxes, particularly that portion of it, which so peculiarly affected the shipping interest.

Mr. *Maberly* disapproved of the financial part of the scheme, which was, in point of fact, creating a loan for the purpose of reducing taxation. This was not a legitimate mode of effecting such an object, whilst there remained another, an

easier, and a cheaper way, by reviewing the estimates, in which he was persuaded a saving of 2,000,000*l.* might be effected, without touching the sinking fund. In March last the right hon. gentleman said that the sinking fund must be kept up at 5,000,000*l.*, and that therefore no taxes could be remitted. Now, his views were entirely reversed. It was idle to talk of a sinking fund in this manner. Indeed, from 1792 downwards, the public credit had been sustained without one. All the machinery of their finance was complicated; and even when the right hon. gentleman paid the debt to the Bank, he raised the amount by a loan on Exchequer bills. This was, in fact, a system of frauds and tricks; and the House, instead of guarding the public purse against such operations, had been the aider and abettor of the plunder. Mark the right hon. gentleman's course in the present year. As soon as he had accomplished his financial operations for the reduction of the five per cents, during which he had said not a word of reducing taxation, not a word of touching the sinking fund, he turned round and robbed the public creditor of the operation of this sinking fund, to which he had just before pledged his faith. Even in his plan of remitting taxes, he took a clumsy and an expensive course. Instead of reducing altogether an impolitic and injurious tax, he touched it partially, and thereby still retained the expensive machinery for its collection. He cordially approved of the amendment.

Mr. *Huskisson* denied that the plan was any infringement upon the principle of the sinking fund: on the contrary, it was one which must keep up the public credit, and be of peculiar service in the present situation of the country. He joined, therefore, in the general congratulations of the House, and was surprised to hear the epithet of "frauds and tricks" applied to any part of the arrangement. If any man had an annuitant for life attached to his estate, what fraud would there be in offering him a proportionate equivalent for a term of years? His right hon. friend had assumed, and he was correct in that assumption, that supposing the present amount of annuities to be in existence for a certain specific time, and supposing the country would have to maintain the ordinary charges for the navy, army, and other expenditure, and even contemplating a few years of ordinary war, still the amount of debt charged would not exceed 2,000,000*l.* He was very ready to admit that there would not be a clear surplus in the present year; but they must bear in mind, that they were dealing with a fund which was daily decreasing in amount, and by which the public must be gainers for the next 16 years. As to the expense of working this plan, he hoped that it would be carried into effect without any expense at all.

Mr. *H. Gurney* said, he could by no means participate in the cheers and congratulations which he heard all around him; and he was afraid the House, if he might be allowed the expression, would find itself in a fool's paradise. In fact, the propositions of the chancellor of the exchequer were, in his mind, the most alarming symptoms of the times—the adoption of a system marking, and fraught with ruin; an increase of debt, accompanied by a decrease of revenue—the precise proceeding which had been the index and forerunner of the bankruptcy of all nations. As to the total remission of the window tax to Ireland, he could by no means comprehend why the large house of a great proprietor in that country should be exempted from a burthen, which was borne by what was almost a cottage in England and Scotland; though there might be a very valid reason for their exempting rather a better species of house than was exempt here.

Lord *John Russell* observed, that as it was on all sides admitted, that there could be no sinking fund unless there was a surplus of revenue over the expenditure; and as they were now, after having resolved that there should be a sinking fund of five millions, about to remit two millions of taxes, it was incontrovertible in arithmetic, that the sinking fund could not exceed three millions. The present plan was to be in operation for fifteen years—that was, the taxes were to be lightened, but the remission was to be met by continual loans for fifteen years. During that time the sinking fund would not be in operation. If the country should be involved in war, the loans we should be obliged to make must, according to their equal or greater amount, altogether destroy the sinking fund. It was manifest that the sinking fund proposed in the early part of the session, was for the purpose of facilitating a recent financial operation; for the moment it was effected, the very minister who proposed the former resolution, proposed a plan to break down that

resolution. This was a mode of supporting public credit very different from what could be acted on in private life. With respect to the statement of the chancellor of the exchequer, he was much amused with the manner in which he produced arguments to show the inutility and expense of the plan which he had proposed a few weeks ago. He now attempted to prove how his present plan had a singular advantage over his former one; but it was evident that the chief ground of resorting to it was, to avoid the shame and humiliation of going directly to the sinking fund. What could be a greater incongruity, than that government should have commissioners to dispose of long annuities, and commissioners to sell long annuities. This reminded him of a comic poet, who had brought upon the scene an avaricious father lending money to a prodigal son. But what would have been said of that comic poet had he introduced the prodigal in the scene lending money to himself. Yet this was the case with the present government, for the chancellor of the exchequer and the noble lord were trustees of the pension plan, and commissioners of the sinking fund. He participated in the satisfaction felt by the House on account of the promised reduction of taxation, and could not but wish that the machinery of the sinking fund was done away with.

Mr. Alderman *Heygate* did not object to the selection of the taxes to be repealed, but thought a reduction or repeal of the window tax in England would have been most desirable. With regard to the annuity scheme, it was objectionable, because it enabled government to take off taxes without a correspondent reduction of expenditure, and removed the burthen from our own shoulders to those of posterity, who were already loaded by our improvident wars with a debt of nearly 800,000,000*l*. Besides this, it seemed to be an indirect attack upon the sinking fund, which the house and the government had so recently pledged themselves to maintain untouched, and in consequence of which resolution the nation had just effected a saving of 1,500,000*l*.—the greatest financial measure upon record. Approving neither of the annuity scheme, nor of the amendment, he felt himself bound to vote against both.

Mr. *W. Williams* denied, that the sinking fund had been maintained inviolate, and contended that it was now too late to talk of keeping parliament to its pledges. The chancellor of the exchequer had departed from his pledges and destroyed the sinking fund, by reducing it from what it ought to have been, between 20 and 30 millions, to the paltry sum of five millions. He was glad to see a reduction of taxes, but it ill became that House to talk of gratitude to the ministers for that reduction when the distresses of the country demanded it. The sinking fund might be taken away altogether for a few years, with the greatest advantage to the country. Its increased prosperity, growing out of the reduction of the taxes, would then enable us to establish another sinking fund without distressing the people.

Mr. *Cripps* supported the proposition of ministers, and congratulated the country on the reduction of taxation.

Captain *Maberly* said, he had no objection to either of the plans then before the House, but was of opinion that the plan proposed by the hon. member for Montrose was the most effectual and economical.

Mr. *J. Martin* preferred the amendment, on account of its greater clearness and simplicity. It was a palpable juggle to talk of having a sinking fund at a time that we were borrowing money to defray the expenses of our ordinary establishments.

The committee divided: For the amendment 35. Against it 115.

List of the Minority.

Attwood, M.	Martin, J.
Birch, J.	Monck, J. B.
Baring, sir T.	Milbank, M.
Calcraft, J. H.	Normanby, visc.
Coke, W. jun	O'Callaghan, J.
Dundas, hon T.	Palmer, C. F.
Duncannon, visc.	Power, R.
Davies, T. H.	Price, R.
Denman, T.	Rumbold, C. E.
Gurney, R. H.	Robinson, sir G.
Heron, sir R.	Russell, lord J.
Hornby, E.	Taylor, M. A.
Hobhouse, J. C.	Wood, alderman.
Hume, J.	Wilson, sir R.
James, W.	Williams, J.
Latouche, R.	Williams, W.
Lennard, T. B.	TELLER.
Maberly, J.	Ricardo, D.
Maberly, W. L.	

The several resolutions were then agreed to.

ILL-TREATMENT OF CATTLE BILL.] Mr. R. Martin moved, that the bill be now read a second time. Upon which,

the attorney-general moved, "That it be read a second time this day six months."

Mr. *R. Martin* expressed his surprise that the attorney-general had not assigned any reasons for opposing the bill. The learned gentleman ought to have done so, if not in courtesy to the member who brought the measure forward, at least on account of its having received the approbation of a large portion of the inhabitants of the country. The learned gentleman had placed himself in opposition to the common sense of the whole nation. The magistracy of London and Middlesex had spoken in an articulate manner in favour of the measure. It had received the support of clergymen who did honour to their calling. There was not a pulpit in London that had not spoken in a pronounced manner in approbation of it. It had been asserted by the advocates of cruelty, that the bill did not define in what cruelty to animals consisted. But, could any one define what was called excessive correction of an apprentice? He would not object to a horse being beaten; but he would protect the animal from being inhumanly treated. The utmost penalty which his bill provided for the most flagrant case of inhumanity towards an animal, was three month's imprisonment, or the payment of a fine of 5*l.* Was this unreasonable?

The *Attorney General* observed, that he had had an opportunity, in the course of the last session, of explaining the reasons for his objecting to a measure of this description.

The House divided, for the second reading: Ayes 29. Noes 18.

HOUSE OF COMMONS.

Thursday, May 30.

Welch Judicature Bill.] Mr. *Jones* moved for leave to bring in a bill "to enlarge and extend the powers of the judges of the several courts of great sessions in Wales, and to amend the laws relating to the same."

Mr. *Barham* complained of the course taken by the hon. gentleman, on a former night, in moving that the House be counted, and by that means smothering the measure of his hon. friend, (Mr. Allen). If his hon. friend's measure had been suffered to go to a committee, the House would then have had the two plans before them. He could not help thinking that his hon. friend had been ill used.

Mr. *Peel* maintained, that nothing could be further from the intention of hon. gentlemen on his side of the House, than to show any want of courtesy to the hon. member for Pembroke. The hon. member for Durham had moved the adjournment of the debate for a fortnight on the night alluded to. The motion for counting the House, therefore, had produced no other result than would have been produced, had the motion for an adjournment been persisted in.

Mr. *Denman* said, the question on which a difference had arisen, was not as to adjourning the debate to any particular day, but to the appointment of a committee to which the resolutions of his hon. friend and the whole subject might be referred. The present bill supplied a remedy to trivial evils, but did not meet any of the great objections against the present system of Welch judicature. He thought it would be better that the subject should go off altogether till next session, than that such a measure should be adopted.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Friday, May 31.

Bank Charter.] Mr. *Grenfell* rose to present a petition from several highly respectable individuals in the county of Berks, relative to a negotiation said to be pending between government and the Bank of England, for the renewal of the Bank charter. To the extension of that monopoly, which would expire in 1833, he had the strongest objection; and the petitioners were of the same way of thinking; but they objected more strongly to the relaxing of the restrictive law as to the number of partners engaged in country banks—to the relaxing of that law in places more than 65 miles from London, and continuing it in places within that limit. Now, whenever the measure for renewing the charter came before the House, he should feel it his duty to oppose it. Indeed, after the experience which the country had had of the conduct of the Bank during the last 20 years—after their immense profits, amounting in 25 years (after the payment of 7 per cent dividend) to more than 25,000,000*l.* —after their tyrannous conduct towards government and towards the public, exemplified by their letters to committees of the House of Commons in 1819—after

these warnings, it was amazing that any ministers could be so unwise, upon any terms, as to propose a renewal of the Bank charter. He had heard, out of doors, that the negotiation was at an end. If it were not so, he should certainly oppose it in every stage.

Mr. *Manning* defended the conduct of the Bank, and treated the charge of tyranny as invidious and unfounded. He also denied that the profits of the Bank were unreasonable, referring to the very large additions the Royal Exchange Insurance Company had made to their capital in consequence of their great profits during the war.

Mr. *Dundas* supported the prayer of the petition, and remarked upon the loss which had been sustained by the failure of country banks in Berkshire.

The Marquis of *Londonderry* said, the natural moment was not arrived for the discussion of the question, which was too large to be settled on the mere reception of a petition, to which there was no sort of objection.

Mr. *Ricardo* did not complain of the Bank directors for making the concern as profitable as possible; but he complained of ministers for having made such improvident bargains with the Bank, as to enable that establishment to make those enormous profits. He should oppose to the utmost the renewal of the Bank charter, because he was satisfied that every farthing made by the Bank ought to belong to the public. Even if a paper currency were wanted, ministers could accomplish the object more advantageously for the public without, than with the assistance of the Bank of England.

Mr. *Pearse* defended the Bank of England, and asserted that they had no monopoly, since it was in the power of any of the London bankers to issue notes if they thought fit to do so.

Mr. *Monck* contended, that the Bank had a monopoly in effect, if not in fact, seeing that the private banks could not compete with the favoured chartered companies. With regard to the bargains between government and the Bank, he thought they were just upon the terms of a spendthrift and a usurer—the former being obliged to consent to any thing that the latter required.

Ordered to lie upon the table.

POOR REMOVAL BILL.] Mr. *Scarlett*, in rising to move the second reading of this bill, observed, that he was prepared for considerable opposition to the measure, in consequence of the great number of petitions which had been presented against it. He had not had an opportunity, when he first brought the subject before parliament, to open the general grounds on which he approached the question. It was his wish, as it also was his intention, to state to the House that he considered the present as only one of a series of measures. If he succeeded in carrying this, he would then venture to press others on the attention of parliament. And he thought it was probable, that many persons who supposed their interests would be affected by this bill might have been induced to soften their tone of observation, if they had been aware that he meant to follow up the present measure by the introduction of others equally important. The House would recollect, that in the last session he had proposed a measure which embraced three great principles. He then conceived, and nothing had since occurred to alter his opinion, that the great vice of the whole administration of our poor laws might be traced to three causes: 1st, the restraint on the circulation of labour; 2nd, the unlimited provision for the poor; and 3rd, the indiscriminate application of that provision, which led to profligacy, idleness, and vice. And he thought, to use the words of a great man, who had often addressed the House from the place where he then stood, that "defective amendments, grafted on a plan originally defective, could produce no lasting or solid benefit." Therefore it was, that he wished to strike at the root of the evil. The numerous alterations in the poor-laws, and the great number of enactments on this subject, afforded sufficient proof that the system demanded serious investigation. It would be found, on examining the different plans which had been adopted for ameliorating the law, that when each project was first introduced, it had haply produced some temporary relief; but, in the course of time, the principle itself, which was pernicious in its basis, overcame every palliative, and increased in power till it had acquired strength sufficient to defeat all the efforts that could be made to correct it. He need not occupy the House in stating the prodigious increase of the poor-rates, and the constantly increasing numbers of the poor. Although it was

his intention last session to have called for the adoption of the three principles to which he had alluded, every one of which was of great importance, yet he knew the extreme difficulty of bringing into one bill three measures founded on those principles, each of which had its advocates as well as its opponents. On the present occasion, he had confined himself to one of those principles; and nothing which had occurred since last session, had induced him to alter the opinion he had deliberately formed, that it was necessary to found some particular measure on each of those principles. He firmly adhered to that opinion; and he thought that the measure now before the House would not be effectual, unless it was followed up by enactments calculated to bring the other two principles into operation.

But, leaving untouched the unlimited provision for the poor, and forbearing to legislate on the indiscriminate application of that provision to poverty, however occasioned, he would proceed to inquire into the necessity of the measure now before the House, which had for its object to prevent the removal of the poor, as the system at present stood. The House would, he hoped, permit him to enter into some short history of this subject, before he proceeded to discuss the principle of the measure. He supposed that gentlemen were perfectly acquainted with the present situation of the poor of England. From papers that had been laid before the House, it appeared that the poor amounted to about one-ninth of the whole population. Now, in what situation was that large portion of the people placed under the existing law? If any poor man demanded relief for himself and family, whether his poverty arose from crime, misfortune, or idleness, he was subject to be removed by the justices or overseers, if he had not obtained a settlement in the parish where he applied, to some other parish or township in which he appeared to have a legal settlement, no matter how distant—no matter whether there was any demand for his labour—no matter whether he knew a human being in the place: there he must go—there he must remain under the present law, and he was liable to punishment if he quitted the place. Perhaps he might find it impossible to support his family in the district to which he was removed; still it was no matter—there he and they must continue, as they generally were, burthens to the parish from generation to generation. This was the case at present; and how had the country arrived at such a state of the law? Such a system must be illegal in its principle, since it was contrary to justice to use extreme severity towards the poor. The 43rd of Elizabeth placed the poor-laws on a basis on which Mr. Justice Blackstone lamented they had not been allowed to continue. By that law the poor were placed in this situation.—None were entitled to relief except those who could not work; but for those who could work, but were destitute of employment, the overseer was directed to provide a stock, out of which they might be supplied with employment. This statute set the question at rest for the space of above 60 years; for, from the passing of that act down to the time of Charles 2nd, there were only two acts of the legislature respecting the poor, and neither of these had any reference to the increase of the poor-rates or the multiplication of the poor. There was an act of James 1st, to punish those who abandoned their families; and a second to punish the parents of illegitimate children. But soon afterwards, in the reign of Charles 1st, this country was thrown into a state of civil commotion; armies were raised, and marched from one part of the country to another. An army recruited in Lancashire was, perhaps, employed in Cornwall, and thus much confusion arose with respect to settlement. An order, published by Cromwell, in 1656, would afford some evidence of the effect the civil war had produced on the population. The order stated, "Whereas the number of wandering, idle, loose, dissolute, and disorderly persons, is of late much increased, by reason of some defects in the statute heretofore made for the punishment of rogues, vagabonds, and sturdy beggars." Now he (Mr. S.) believed, that the increased number of those idle persons was occasioned by the peculiar state of the country. This was some years before the restoration of Charles 2nd; but, in the second year after his restoration, as the evil still continued, that statute was passed which enacted the compulsory removal of the poor. He therefore was correct in stating, that, for 60 years, until this statute passed, no law was made to confine the poor to any particular place. The moment that statute was passed, and from that period down to the

present hour, the removal of the poor had been the subject of excessive complaint and of constant litigation. The consequence was, that the Statute book was crowded with laws on this subject, until an artificial code had been formed. The statute of Charles 2nd enacted, "that if any person was likely to become chargeable on any parish or place, he might be removed by order of the magistrates to the last place where he was resident for forty days." The House must see what an extraordinary alteration this statute made in the situation of the poor who were not able to support themselves. It gave a most extensive power to the overseer, who was impowered not only to remove those who were chargeable, but persons who appeared likely to become chargeable to the parish. The legislature saw the harshness of this measure, and numerous statutes were passed to multiply the modes of obtaining a settlement. By one statute a man could not be removed who was hired as a servant for a year; a second exempted him from removal if he had served a parish office; a third if he had served an apprenticeship; a fourth if he had purchased a tenement. There were a variety of other statutes, all of which related to settlements. But this was not all. The courts of justice, acting on the principle of the common law, which in this country ever had been, and he hoped ever would be, favourable to the liberty of the subject, had grafted on those statutes a great number of exceptions, to limit the power of removal. In the reign of king William, in 1696, a remarkable circumstance took place with respect to the poor-laws at that period. An application was made to the House of Commons to inquire into the state of the poor-laws. The subject was referred to the board of trade, of which Mr. Locke was then a member; and they had the report of that board which was drawn up by Mr. Locke, and which showed what effect had been produced by the act of Charles 2nd during his reign and the reign of his brother James 2nd while that statute was in full operation. The report said—"the multiplicity of the poor, and the increase of the taxes for their maintenance, is so general a fact that it cannot be doubted of; since the last war it came on us, it has been a growing burthen for many years, and the two last reigns have felt that burthen as well as the present. If the cause be looked to, it will be found to have proceeded, not from the scarcity of provisions, nor for want of employment from the poor, since the goodness of Providence has blessed this country with abundance, and the long peace, during the last two reigns, has wonderfully increased our trade and commerce. There must, therefore, be some other cause.* Perhaps it arises from laxity of discipline and corruption; because virtue and industry are as constant companions on the one side, as idleness, poverty, and vice, on the other." This report was followed up by an act to remove the grievances that were felt from the operation of the statute of Charles 2nd. The 8th and 9th of William was the act by which persons were allowed to come into any parish or township, on producing a certificate of previous settlement. The effect of it was to do away the mischievous operation of the act of Charles 2nd, by allowing people, on stating that they were settled in particular places, to proceed to others, and to reside and work there without the liability of being removed.

Having thus stated the history of the law, he would next call the attention of the House to the effects of that part of it, which obliged persons as soon as they became chargeable to the parish, to remove to another parish where they had got a settlement. And here he would advert for a moment to the 26th of the late king, which introduced some mitigation of the previous state of the law; and it was some consolation to him in his present attempt, to reflect upon the number of petitions which had been on that occasion presented from all parts of the country against sir Edward Hyde East's bill. In consequence of those petitions, and the opposition made to the bill, it had been found necessary to except from its provisions those who might become chargeable to the parish; and a clause had been introduced declaring women pregnant with bastard children chargeable, which was in effect one of the most odious and most pernicious of our system of poor-laws. One of the advantages of the measure which he now proposed would be, that it would greatly diminish the whole expenses and charges of maintaining the poor. The first of these expenses were those arising from litigation. Dr. Burn, one of the wisest writers upon the subject, had stated it to be his conviction, that more litigation had arisen from the law of removals than from any other source. The doctor had alluded

only to litigation respecting settlements in the Court of King's Bench, which formed, however, but a small part; for the litigation on the subject at quarter sessions was more enormous than the history of litigation could parallel. On an average of three years up to 1815, this expense was 327,000*l.* a year; and when to this was added the expense incurred at the quarter sessions four times a year, and in the making of inquiries as to the power of removal—of which no regular return had been or could be made—the amount would be found to be very considerable indeed, and would go a great way in actually providing for the poor. According to the existing law, if a man received the smallest sum for his support under a casual or temporary calamity, then that was made a ground for removing not only that man, but the whole of his family, unless the parish to which they had originally belonged became bound for their removal. By this means, the parish from which the family was ejected for the purpose of saving half a crown, not only subjected the parish to which the pauper was to be sent to very heavy expenses, but also compelled the whole family to remove from a place where many or all of them could find work, to a place where no work was to be found. He was fully convinced that many families were to be found subsisting entirely on the parish funds in one place, who but for the law of removal would have been maintaining themselves by their own industry in another. If under such circumstances the poor man should wander out of his own parish in quest of work, the overseers had it in their power to force him back. That the sum of 327,000*l.* was annually expended, upon appeals in disputed cases of removal was in his opinion a clear proof of the vast mischief of which the system was productive; and he would remark in particular, that the expense of removals from large manufacturing towns to small country parishes was very great. One of the most striking effects upon the poor themselves was, that they were driven from where they could find labour, and accumulated where there was no labour to be found. Honourable gentlemen would be pleased to notice how this operated. Let them just imagine for a moment that a law was proposed for preventing the circulation of wheat, of wool, or of any other commodity beyond the parish in which it was produced—would not the man advocating such a measure be considered as something worse than absurd? Now, he would be glad to know upon what better ground the labour of the poor man should be restricted to the parish in which it was produced? Why, when they would spurn at the application of such a doctrine to other commodities, they should act upon it when the labour of the poor was under consideration? Let them mark the effects of this—they were, a total derangement of the wages of labour, especially of agricultural labour all over the country. If the law were such that it made the price of wheat, or of any other article of produce, high in one county and low in another, they would be disposed to think the law bad; but surely that law was no better which made the price of labour high in one county and low in another. Now, the weekly wages of the poor man varied exceedingly in the different counties of England. In some it was from seven shillings to nine shillings; in others, it was from fifteen shillings to eighteen shillings; and in one parish of Oxfordshire, it was stated to be as low as 3*s.* The sum paid in poor-rates, too, bore no proportion to the wealth and population of the counties. From the returns it appeared, that Sussex, with an inferior population and a taxable income of 915,348*l.* paid 275,000*l.* of poor-rates; while Lancashire, with a superior population and a taxable income of 3,087,777*l.* paid 261,730*l.* which was less by more than 14,000*l.* It might, indeed, be stated as perfectly general, that in populous districts where there were large manufacturing towns, the poor-rates were always lower than in thinly inhabited agricultural districts. The cause of this, as well as of the disparity of wages to which he had alluded, was obviously the removal of the poor. To the great towns the poor man naturally directed his steps, because there he had the best chance of finding employment and protection, and to prevent him from going there was an act of injustice; for if he was not allowed to find employment for himself in the parish where it was to be found, then they were bound to find it for him, or subsist him without it, in the parish to which he was restricted. He had heard of one parish in which there were twenty-five able bodied labourers out of employment, while in almost the very next parish there was a deficiency of labourers. These labourers were prevented, by the law of removal, from going to find work,

and they naturally said to those who prevented them, "you must support us." One of the worst effects of this practice was, a strong foundation it supplied for a most fatal persuasion, which was increasing of late years—he meant the notion of right to parish support. When the poor man was restrained from the free use of his labour, he had a right to return upon those who restrained him, and to convert their oppression into his title to support. Gentlemen expressed alarm at giving facility to the poor for moving from place to place. He would say that they could not give them facility enough. Let them give greater facility to the poor man to transfer his labour according as there might be a demand for it, and they would do him and the public a service. Instead of feeling jealousy and alarm, they ought to aid and assist the poor in moving from place to place.

He would now advert to some objections which had been urged against his plan. It had been said, that by doing away with the present law of removals, they would set gentlemen on pulling down cottages. But, before the act of Charles 2nd which introduced the present law of removals, so far from cottages having been exposed to destruction, the 37th of Elizabeth had been passed expressly to prohibit the building of cottages. Here again he referred to the authority of Dr. Burn, who stated that the great business of an overseer of the poor was to prevent a poor person from acquiring a settlement —to quarrel with the pretensions and claims of those settled—to pull down cottages—to depopulate the parish in order to keep down the rates, and to pay no attention to the religious habits or the education of the poor. The pulling down of cottages was thus imputed to the law of removal, instead of being prevented by it. The moral effects of this law deserved particular consideration. Their own poor were kept employed by overseers, and their moral habits were attended to; but with respect to the great part of the poor who had no settlement in the parish, they cared not what their habits might be, and the neglect of moral instruction was consequently prevalent throughout England, to a degree which excited the astonishment of every one who contemplated the subject. He had received a letter from the overseer of a parish in Cumberland, who had been overseer at intervals for a period of 23 years. This overseer stated, that those who had not a settlement in a parish were totally neglected, and that young women were left unprotected against seduction, because they could be removed to other parishes. If one half the attention which was now applied to the prevention of litigation of settlements were given to learning the wants of the poor, and bestowing religious and moral instruction upon them, it would be a great saving of expense and a great accession to public virtue. An objection had been made last year in the House, and had since been adopted in many petitions—it was to this effect:—"If you abolish the law of settlement, you will take away a wholesome restraint upon idleness and vice by removing the fear of becoming a burthen to the parish." He was ready to admit that the terror of removal operated in some cases to induce men to exercise greater attention and industry. In this view the law operated as a penal law. But, if the law ought to be maintained for this purpose, it ought to be extended further, and abolish settlements altogether. The poor ought to be removed 100 or 150 miles as a punishment. They ought to be sent from Lancashire to Sussex, and from Sussex to Lancashire. But this punishment wanted the great essential of justice—equality. It might operate as a restraint upon idleness and vice, but it was the very worst punishment which could be applied. When removed from the parish, they ought to be fed on bread and water in the place to which they were removed, if the law was penal; because privation and want were the natural punishment of idleness and vice. But if they were removed from one place only to flourish in idleness in another place, where was the justice of the punishment? Again, the inequality of the law as a punishment was still more increased by the circumstance that it inflicted the greatest severity on those least deserving of severity. Local attachments were stronger in the more virtuous and amiable. To them a removal was the bitterest affliction: but to the idle and profligate, who felt not the attachments arising from industrious and virtuous habits, a removal was no punishment. Admitting, then, that moral restraint ought to be imposed upon idleness and vice, he denied that banishment was the proper means of such restraint. The evils arising from the rigour with which pregnant women were sought out and removed, were particularly mischievous. The parish officers

were suffered to drag women in those unfortunate circumstances to public shame, and to fasten that shame upon them for life. It had been stated to the House, that 69 women were in this way removed from Nottingham. He regarded manufacturing towns and agricultural counties with equal favour, but he could not admit the right of manufacturers to send young women whom they had seduced back again to be a burthen upon the country. There could exist no moral obligation to support such spurious issue. Such cases ought to be treated as in Scotland. Let the woman complain if she thought fit; and then an order of maintenance would be made. But if she did not complain, let her be left alone. This was the course pursued in Scotland, and the moral habits of the lower classes there had very much the advantage over those of the same classes in England. The inconvenience of removals were in many cases so great, that a compromise was entered into. The effect was, that a parish A, where a settlement had been secured, was paying to a parish B, where a poor man became chargeable, the amount of his allowance of relief. It was quite manifest that more expenses were incurred by that means. No objection was made to a liberal allowance where another paid it.

The general effect of this measure, would, he doubted not, be in every town throughout the kingdom, to increase the disposition and necessity on the part of those who had the government of the poor in their hands, to look into their moral habits, to discriminate between the industrious and the undeserving, and to proportion in some degree the aid and relief to the merits of the applicant. If this bill should pass into a law, they would find it their interest to confer education on the poor, and to superintend their moral habits. The tendency of so improved a system must be, to diminish rather than increase the amount of the present rates. He would admit that the saving would be relatively greater on the part of the agriculturist, but to the manufacturer the bill would produce no additional burthens. In many districts funds were already established among the poor, which rendered unnecessary all application to or dependence on the parish. It was so in the town of Salford, where, by means of subscriptions of one penny a week, a fund of 200*l*. was established; the efficacy of which had been such, that for a considerable period not above 5*l*. had been drawn from the parochial assessment. The managers of this fund did not allow it to exceed 200*l*. When it arrived at that amount, they stopped short; and when it sunk below, they re-opened the contributions. This example would in all probability, be widely imitated, as it became more generally known. For all these reasons, he was satisfied, that the measure, if adopted, would become a public benefit. That the poor were oppressed by the law as it now stood, and the practices to which it gave birth, was indisputable. The present bill might serve as a first step on the return to a better system. They could not expect to get into a right state until means were devised for lessening that mass of contrivance, ingenuity, and artifice, which at present existed, and for no good or beneficial purpose. Let the experiment be fairly tried of creating employment by less artificial means. In submitting to the House his views upon this most important question, he hoped he had betrayed no ill-placed vanity, nor treated with any improper levity a subject so material in its consequences. In bringing it forward he was animated by one motive only—a desire to promote the true, permanent, and substantial good of his country. If it was not acceptable to the House, he was ready to abandon it. His conviction that, if reduced to practice, it would prove generally useful was deeply founded; but, if it was the pleasure of the House, that it should go no further, or if they were disposed to send it to a committee, there to remain till the ensuing session, he, in either case, bowed to their decision. He certainly did wish to inspire all parties with his own feelings on this subject, and induce them to contemplate in the same light the present state of the labouring poor in this country—a state of slavery and degradation which, he believed, did not exist in any other nation of Europe. He should conclude by moving, "That the bill be now read a second time."

Mr. Mansfield said, that his constituents were strongly opposed to the measure, and in that opposition he concurred with them. He believed, that if carried into effect, it would operate with a multiplied pressure, not only on those who contributed to the poor fund, but even on those who were relieved. He therefore felt it his duty to move as an amendment, "That the bill be read a second time this day six months."

Mr. *Monck* declared his conviction, that the present measure was brought forward with the purest and best intentions, and with the hope of redressing the many evils which flowed from the system of poor-laws. Indeed, so long as these laws existed, great abuses would prevail, and the lamentable truth was, that in every discussion on the subject the House was reduced to a choice of evils. But he must be allowed to say, that the evils of the present system were comparatively small, when contrasted with that mass of abuse which would be engendered by the operation of the present bill, if carried into effect. The principle of the measure was not new—it had been tried in this country before; but the inconveniencies and abuses it produced made its repeal imperative. It was first introduced in the reign of Elizabeth, and continued until the 13th of Charles the second, when the inconveniencies felt, in consequence of the overflow of paupers from country parishes into towns and rich districts, where there was plenty of stock, were so numerous as to compel the legislator to abandon the system. If such were the abuses in the simple state of society in those times, how much more aggravated must they be if that system was renewed under our present complex condition? The present average amount of the poor-rate, was 15*s.* and 20*s.* in the pound, in the country, and from two to three shillings in town. Now the effect of the bill would be to send every idler from the country parishes into the towns, with a view of their being better supported, and the ultimate result would be, that those towns would be filled with paupers. The hon. member contended, that it was the uniform policy of the legislator rather to restrict than to extend the facility of obtaining settlements. Under the present system every device was practised to throw the paupers in country parishes on the towns for maintenance. He instanced the county of Berks. It became now a complete system with the farmers to depopulate their parishes, to pull down cottages, and indeed to leave only sufficient habitations to meet the ordinary conduct of the farm. The farmers drew labourers for the harvest from the workhouses of Reading, Abingdon, and Newbury. For six weeks they were well fed by the farmers; got beer and large wages; but afterwards they were cast out, and for the rest of the year were to be maintained by the towns. Much stress had been laid by the learned member on the great oppression of removing a pauper from the place which had the advantage of his labour, to his place of settlement. He could not assent to that description of oppression. That labour was the consequence of an understood compact, and was as valuable to the individual as to the place. But he denied it to be oppressive to remove an individual incapable of earning his own bread to that place, where he was to be secured from what the Irish were now unhappily suffering—scarcity and famine. The evils of the present system were numerous enough, without risking their aggravation. How was it that an English manufacturer was able to sell in a foreign market, an article that cost 1,000*l.* in its manufacture, for 900*l.*, and at the same time to draw a profit of 100*l.* from the sale? It was because the English manufacturer possessed that power which the manufacturer of no other country possessed; namely, of putting his hand into the pockets of others for the support of his labourers. The Irish manufacturer had, if any manufacturer had, great natural advantages; yet still he could not compete with the English manufacturer, because as no poor-laws existed in Ireland, he could not pay for his labourers out of the pockets of other people. It had been said, that towns had no right to complain against the bill, as they had the manufactories to afford relief. It would be the greatest benefit that could be conferred on towns, to be rid of manufactories altogether. Wherever they existed, they were the source of misery, disease and vice to the working people—of embarrassment and extortion to the other inhabitants. As to the expence attending the removal, and that was the only gain held out by the present bill, he should only say, that he believed it cost the town of Reading 30*l.* a-year; and sure he was that the inhabitants would gladly pay 300*l.* a-year to be relieved from the evils, which the measure, if carried into operation would entail upon them.

Mr. *T. Courtenay* felt considerable apprehensions in rising to oppose a measure introduced under the authority of the hon. and learned gentleman, in a speech so well calculated to make a considerable impression. That speech appeared to him, however, more particularly to apply to a bill which some sessions back had been brought forward by a right hon. friend of his, the chairman of the poor-laws committee (Mr. S. Bourne), which was

negatived by a considerable majority, rather than to the immediate proposition before the House. For that bill he had voted; though he confessed, he had since altered his opinion, chiefly because he was persuaded that the nearer a man is to the fund on which he has a claim, under the poor-laws, the less industrious and independent he is. In his bill of last year the hon. and learned gentleman had limited the application of the poor-rates. Then, the provision by which he abolished settlements was of less importance; but the present bill left the claim to relief on the extended footing on which it now stood, and allowed the pauper to select the parish to which he might choose to apply for relief; and when relieved by one parish on one day, there was nothing to prevent him making a similar application to another on the next. He agreed with the hon. member who spoke last, that the parish in which the pauper last worked might or might not have been specially benefited by his labours. In every view which he took of the question, since the hon. and learned gentleman's first introduction of a measure relative to the poor-laws, he (Mr. C.) felt more and more convinced that the principle of those laws was a just one; and whenever the hon. and learned gentleman should again introduce the subject fully to the House, he would be ready to meet it. He implored the hon. and learned gentleman to bring forward the whole measure which he had in contemplation, that the sense of the House might be taken; and that those who were for modifications rather than for abolition might have an opportunity of proposing them.

Sir *J. Shelley* said, he was afraid that, in the present state of the country, the land itself would not long be able to keep the poor along with the payment of rent and taxes. Some remedy should be applied, and therefore he would support the measure.

Captain *Maberly* opposed the bill, as producing too violent an alteration in the poor laws. Though the system of removal might be sometimes oppressive to the poor, yet the proposed alteration would be exceedingly oppressive to the rich. The comparatively light pressure in some places did not proceed from any restraint on the free circulation of labour, but from the vigilance of those who superintended the poor, and the prevalence of industrious and frugal habits.

Sir *M. W. Ridley* said, that great inconvenience and expense were incurred by the present system of removal. He would throw it out as a suggestion, that magistrates should be empowered to suspend the order for removal, as in case of sickness, in cases where disputes might be likely to arise as to the parish of the pauper. This suspension might continue until the parishes consulted upon the matter. By this means a great deal of expense and trouble might be saved. As to the bill, he should oppose it, because it would make that alteration all at once which ought to be effected gradually.

Mr. *Nolan* began by alluding to a remark that had been made, that the poor had no representatives in that House. He could not suffer such an observation to pass without maintaining that there was no class of his majesty's subjects whose interests were not represented there,—and there was no class to whom greater attention had at all times been paid than to the poor. Great acknowledgments were due to his hon. and learned friend for the very able, candid, and ingenious manner in which he had introduced the subject; and though he might differ from him as to the remedy proposed, yet he thought this advantage, at least, would result from the discussion of the question — that it would set the public mind to work upon it, and that no inconsiderable benefit might be derived from that source. It had been said, that the subject was one which ought to have been taken up by his majesty's ministers. Now, he did not think they were bound to take it up. As a measure interesting to all classes, it was open to the consideration of, and might be introduced by, any member who felt himself competent to the task. One general objection to the measure which he had was this—even if he thought favourably of it, he should hesitate to establish it as a law when he found so many petitions against it from every part of the country, and so general an opinion against its practical effects. Another objection was, that the measure was partial, and left wholly out of consideration the general system of the poor-laws with all its defects. When his hon. and learned friend introduced his former bill, he observed that it was complicated, but that every part of it depended on the others; but now he abandoned all the parts except that which referred to the removal of paupers, without any reference to how they were to be supported. It had been

objected, that the unsettled poor were irregular in their habits. Now he, on the contrary, was prepared to maintain, that the fear of removal from friends and connexions operated as a great stimulus to industry amongst that class, which stimulus would be lost by the present bill. He contended that this bill was likely to produce one of the effects that his hon. and learned friend had most strongly deprecated, namely, to make the poor look upon that as a matter of right, which in point of fact was a mere matter of charitable relief. Instead of checking, it would likewise considerably promote the expenses of litigation.

The Marquis of *Londonderry* complimented the hon. and learned gentleman, who had just sat down, on the ability and knowledge which he had displayed on this interesting subject, and congratulated the House on the fact, that it was a subject which had never been discussed with any thing like party feeling. On the contrary, there had never been but one object in view, which was, to resolve the difficult problem of relieving the country from the evils attendant on the existing system. The present discussion tended to show how unfair it was to call on his majesty's government to embark in a measure of this kind when it appeared that even the hon. and learned author of the bill, with all his legal knowledge and research, found himself compelled to abandon two out of the three propositions originally embraced in his bill, and experienced great difficulty with respect to the details of the third. To the principle of the bill, every man must be favourable. The only doubt was as to the mode in which that principle could best be carried into effect. In the present state of the bill it appeared to him that bands of paupers might traverse the country, and obtain what would be very like a right of settlement wherever they might find themselves in especial want of aid. That was an evil which, in his opinion, ought not to be permitted. Without going further into the details of the new bill, he would simply state that it appeared to him to be calculated to promote litigation to an unexampled extent, and to create great additional expense, instead of furthering the cause of economy. He wished the hon. and learned gentleman to find out some plan to disarm his bill of the evils which it was certain to create, if the principle of it was pushed to its full extremity. He could assure the hon. and learned gentleman that if he did so, he would give him every assistance in his power. Indeed, the House was bound to give every assistance in its power to any gentleman who took the difficult subject of the poor-laws into his consideration, and ought to encourage in the outset any measure that was introduced to amend them. If he were compelled to give a vote upon this measure as it stood at present, he should certainly vote against it; but as he was favourable to the principle of the bill, and thought that the objections which he had against its details might be remedied in a committee, he had no wish to object to the reading of it a second time.

Sir *C. Burrell* defended the habits of the poor in Sussex, and the disposition of the farmers of that county, to do all in their power to relieve their wants. The poor-laws required extensive amendment; and he thought the hon. and learned member entitled to great thanks for having bestowed so much attention on the subject.

Mr. *Chetwynd* said, that as the present system of poor-laws was one of the greatest curses under which the country laboured, its gratitude was due to every gentleman who suggested the means of amending them. After complimenting his hon. and learned friend on the exertions he had made upon this subject, he proceeded to say, that though he would not go the whole length of abolishing the law of settlement, he was still aware that some alteration in it was absolutely necessary. After pointing out several inconveniencies which accrued from it, not only to parishes but individuals, he proceeded to attack the present system of bastardy laws; and contended, that that system was calculated to promote vice and immorality, inasmuch as a woman with three or four bastards was enabled to live in ease and idleness from the allowance she drew from the father of her children for their maintenance; whilst a married woman, with the same family, was obliged to work hard before she could obtain a similar relief from the parish in which she had a settlement. He should vote for the second reading of the bill, as all the objections he had to it might be removed in the committee.

Colonel *Wood* said, he should cordially vote for the second reading, and heartily thanked the learned gentleman for bring-

ing forward a measure of so much importance. He was quite persuaded, that when the details of the bill came to be known in the country, the hon. and learned author of it would be hailed as a friend by every poor man in the country.

Mr. *P. Moore* said, he concurred in the unanimous sentiments of his constituents in opposition to the bill.

Sir *R. Wilson* approved of the principle of the bill, but hoped it would receive some modifications in the committee.

Mr. Alderman *Bridges* opposed the bill, though he was in favour of some alteration in the system of the poor-laws.

Mr. *Scarlett* expressed his readiness to make such alterations in the committee, as he hoped would do away the different objections that had been urged against it.

Mr. *Denman* objected to the principle altogether, and cautioned the House against favouring it so far as to permit it to be read a second time.

The House divided: For the second reading, 66. Against it 82. The second reading was consequently put off for six months.

HOUSE OF COMMONS.

Monday, June 3.

Reform of Parliament—Remonstrance and Petition from Greenhoe.] Mr. *Coke* rose to present a petition from the hundred of North Greenhoe in the county of Norfolk, complaining of agricultural distress, and praying for a Reform of Parliament. The petition set forth, that taxation was the cause of their distress, and that the enormous sums raised by it were lavished to increase the influence of the Crown, by maintaining a corrupt majority in that House, and to keep up a large standing army for no other purpose than that of subduing the constitutional feelings of a justly indignant people. It stated, that the majority of the House was always ready to support any administration, however corrupt and tyrannical. The hon. member expressed his concurrence in the prayer of the petition, and moved, that it do lie on the table.

Mr. *Fremantle* thought the language of the petition was most insulting to the House, and moved, that it be rejected.

Mr. *Curwen* said, the truth of some of the allegations in the petition could not be denied. It was notorious that seats in that House were bought and sold like cattle at Smithfield market. It could not be expected that the country would shut its eyes to these practices.

Mr. *James* rose to notice a mistake into which the petitioners had fallen. It was not to keep up the influence of the Crown that such lavish acts were committed, and he thought it almost high treason to say so. It was to maintain the unjust influence of the boroughmongers.

The Marquis of *Londonderry* said, that the tone of the petition was not only a tone of remonstrance but of insult, and he thought that the House, with a due regard to its own character, could not receive it.

Mr. *Calcraft* could see nothing in the petition which was adverse to its being received. What it contained had often been repeated in that House, and doubtless would be again. Were they not accustomed to say that taxation was grievous? Was it not a fact that pensions and useless offices were kept up, by which many members were under the direct influence of the Crown? With regard to the standing army, he had always said that it was greater than was necessary for proper purposes; and it had been used, in some instances, under very suspicious circumstances. He thought his hon. friend had displayed a little too much zeal in moving for the rejection of the petition.

Sir *R. Wilson* said, that the hon. gentleman could not, as a man of honour, deny that seats in that House were bought and sold, to his own knowledge. He thought the petition ought to be received.

Mr. *Wynn* had always considered that a petition ought not to be rejected upon any particular expressions or words which it might contain, but upon the general spirit in which it was drawn up. If he looked at the general spirit of the present petition, he thought it was plainly intended to menace and insult the House. It was a justification of rebellion, and if it was received, the House could never after venture to reject any other petition.

Sir *J. Newport* thought they were bound to open as far as possible the doors of the House to the petitions of the people. By so doing they would best consult the dignity of the House. To a large proportion of what was contained in the petition he gave his assent. There were some words in it which he regretted; but they ought not to be scrupulous about expressions in a time of distress like the present.

Mr. Secretary *Peel* said, there was a point of form which struck him as being

objectionable in the wording of the petition. It was called a remonstrance. Now, if he believed it was uniformly the custom to call such applications petitions. He should not have considered this a sufficient reason for rejecting the petition; but, when he looked for the *animus* in which the whole had been drawn up, and found this word "remonstrance," in conjunction with the language therein used, he had no difficulty in determining that it ought not to be received. He was convinced that it would form a rule that would lead to future petitions of a still more objectionable nature. If the language it contained was not insulting to the House, he was at a loss to know what would be so.

Mr. *J. Smith* did not believe many of the allegations contained in the petition, the one with regard to the army was altogether false. But he felt considerable difficulty in rejecting a petition of this kind; and he was determined not to do so by what had fallen from the right hon. gentleman who had lately accepted office. The right hon. gentleman had said, that before rejecting a petition they ought to be satisfied that there was an intended insult and this had not been made out in the present case. He believed there were many persons who thought every word in this petition to be true. He, however, did not think so, and he knew the part which related to the army, to be grossly false.

The House divided: For receiving the petition 55. Against it 89.

List of the Minority.

Aubrey, sir J.
Abercromby, hon. J.
Brougham, H.
Bernal, R.
Burdett, sir F.
Bennet, hon. H. G.
Bright, H.
Boughey, sir J.
Birch, Jos.
Calvert, C.
Creevy, T.
Cavendish, lord G.
Colburne, N. R.
Crespigny, sir W. De
Calcraft, J.
Duncannon, visct.
Denison, W.
Davies, T. H.
Ebrington, visct.
Fergusson, sir R.
Fitzroy, lord C.
Griffiths, J. W.
Heathcote, G. J.
Haldimand, W.
Hamilton, lord A.
Hobhouse, J. C.
Hutchinson, hon. C. H.
Hume, Joseph
James, W.
Kennedy, F.
Lushington, G.
Macdonald, J.
Marjoribanks, S.
Monck, J. B.
Moore, Peter
Martin, John
Newport, sir John
Normanby, visct.
Price, R.
Powlett, hon. W.
Pares, T.
Ricardo, D.
Robarts, A.
Russell, lord J.
Smith, G.
Smith, John
Scarlett, J.
Tierney, rt. hon. G.
Taylor, M. A.
Webb, E.
Wood, alderman
Wilson, sir R.
Williams, John
Winnington, sir T

TELLERS.

Coke, T. W.
Curwen, J. C.

NAVAL AND MILITARY PENSIONS.] On the order of the day, "that the report of the committee on Naval and Military pensions be now brought up,"

Mr. *Hume* said, he did not blame the chancellor of the exchequer for touching the sinking fund, but he blamed him for talking one way and acting another. It was most inconsistent to buy and sell annuities at the same time. It was a round-about way of doing that which might easily be simplified. It was better to proceed simply and honestly in the management of our finances, and to free them from complexity. He therefore moved as an amendment, "that it is expedient to take from the Sinking Fund an annual sum equal to the amount of taxation to be remitted, towards relieving the distresses of the country instead of raising money by Loan, or Annuities, as is proposed to be done by the Chancellor of the Exchequer for the payment of Military and Naval Half-pay and Pensions."

Mr. *Grenfell* said, that should the amendment be rejected he intended to propose a clause similar to that proposed in 1786 by Mr. Fox. It would be a clause empowering the commissioners for the reduction of the national debt to apply the monies in their hands to the purchase of these annuities.

Mr. *Brougham* said, that as light alteration of words would make the plan of the right hon. gentleman and that of his hon. friend precisely the same. The right hon. gentleman proposed two sets of commissioners; one for reducing the national debt and the other for increasing it. Why not save the trouble of bringing one set of them into existence? At present here was a set ready made to their hands, grown up and in full maturity. They were precisely of the same cast as that of the set proposed to be created. The present commissioners might sit on the same day and at the same place in their united capacity, and might be empowered to deal in the stock. The plan for double commissioners was a senseless, degrading mummery; and it was merely proposed to make it be thought that the right hon. gentleman was really not touching the sinking fund. He should therefore

give the amendment his hearty support; as he should also the clause mentioned by his hon. friend.

Colonel *Davies* could see no distinction whatever between the measure proposed and a direct invasion of the sinking fund. At all events, if the thing was to be done, let it be done in the way most advantageous to the country. Place the commissioners of the sinking fund in the shoes of the parties, who were to become purchasers; and then, at the end of the 45 years, the public would reap the benefit of the bargain.

The *Chancellor of the Exchequer* said, he was inclined to acquiesce in the suggestion of the hon. member for Penryn.

Mr. *Ricardo* said, that the plan was neither more nor less than sending one set of commissioners into the market to sell stock, and another set into the market to buy stock; and even the chancellor of the exchequer now understood that fact so fully, that he was about to support a clause which would enable these two sets of commissioners to deal with one another. And here he would remind the House of an expression used by the right hon. gentleman on first bringing forth his plan. The right hon. gentleman then assured the House, that he was not so young in office, as to make a proposal to parliament unless he had good ground to believe that he could make a bargain upon the terms which he stated. And what had the right hon. gentleman done since? Why, he had been forced to tell the House, that there had been an error in his calculations—that he had never supposed that he could make a bargain with any body for 2,800,000*l*., but that the bargain would cost considerably more. Then look at the present situation of the country. The chancellor of the exchequer said, that the sinking fund was 5,000,000*l*. Yes; but he had for a long time maintained the delusion of its amounting to 16,000,000*l*. Now, as he had tardily acknowledged that the 16,000,000*l*. was a delusion, and that the real fund was only 5,000,000*l*., so he might hereafter acknowledge, that the 5,000,000*l*. was a delusion, and that the fund was in reality only 3,000,000*l*. The plan of the hon. member for Aberdeen, was simple and easy to be effected; then why not adopt it, in place of such a complicated operation as that proposed by the chancellor of the exchequer?

The Marquis of *Londonderry* said, it surely could matter very little whether the operations of the proposed scheme were carried on by a set of commissioners constituted for that purpose, or by the commissioners already in charge of the sinking fund, since neither the commissioners already existing, nor those intended to be appointed, were to receive a single shilling in the way of emolument from the public. The only real question was, whether the managing parties should go by one name or another. With respect to the proposition that the plan should be carried into effect out of the sinking fund, he was opposed to that mode of doing the business; but he had no objection to the clause suggested by the hon. member for Penryn, because it merely put the new description of stock in the same situation with other stocks in the market, leaving it open to the commissioners of the sinking fund to deal in that stock or not, as they might think fit. The new stock might chance in some years to be what was called a heavy article. Now, if the trustees of the stock had power to sell, and the commissioners of the sinking fund power to buy, an additional channel for disposal would be opened, and the value of the property proportionably sustained. The noble marquis defended the chancellor of the exchequer's manner of bringing forward his plan. His right hon. friend had merely said that, if the House voted the measure, it would be carried into execution. No doubt he had had reason to expect that purchasers would be ready to treat. One great corporation, the South Sea Company, had, he believed, received subscriptions with a view to the bargain, but had afterwards changed their mind, the remote return being unsuited to their purposes. It would not, however, be set up as an objection to the measure, that it had failed in that or any other quarter; because, as regarded the wishes of the hon. gentlemen opposite, the manner in which it was now likely to be accomplished was precisely the manner which they themselves preferred; and therefore, he saw nothing which should induce the House, now, to adopt the amendment. Gentlemen argued, as though there was but one sum of 5,000,000*l*. to work upon, while, in fact, the fund in question was a fund of 5,000,000*l*. independent of the sinking fund altogether.

Mr. *Calcraft* considered the chancellor of the exchequer to be at that moment in too pitiable a plight for any generous mind

to indulge in taunts against him. "*Parcere subjectis*" was the characteristic of a magnanimous opponent; and he knew his hon. friends near him too well not to feel that they would act upon its influence towards the right hon. gentleman in his present helpless condition. What the noble lord meant by his two sinking funds equally operative, he professed he did not understand; but if there were two sinking funds of five millions, the result would be, however the noble marquis endeavoured to mystify the question, that one would be applied in the purchase of the other. He (Mr. C.), however, was bound to defend the chancellor of the exchequer against the defence which had been made for him by the noble marquis. The noble marquis said, that the right hon. gentleman had come down to the House with what he conceived a contract made; but, in fact, it was the noble marquis himself who had come down with the contract made; and when it was found that the contract could not be made, then it was that the chancellor of the exchequer had come down to announce the failure. Upon the whole, he was glad that the project had failed with the ominous South Sea company—he was glad, also, that it had failed with the Bank of England, and that ministers had at last been compelled to come to the right course. We had 5,000,000*l.* of sinking fund, and we were going to get rid of a certain quantity of our expenditure. Could any thing be more proper than to take from our surplus the 2,800,000*l.* that we wanted? Upon the argument, that the measure did not interfere with the sinking fund, it was unnecessary to detain the House. Was it possible for commissioners to buy in the morning and sell in the evening at one market—to create debt at twelve o'clock, and to reduce it at two; nay, to create and to extinguish at the very same hour, and yet to say that the two acts did not nullify each other? Could any man in his senses say that while this was doing a sinking fund of 5,000,000*l.* was maintained? He should certainly vote for the amendment; and, failing that, for the proposal of the hon. member for Penryn, which appeared as it were a sort of salvo for the honour of ministers. He congratulated the House, first, that ministers had been compelled at last to resort to that course which had been pressed upon them ever since the beginning of the session; and next, that a very large reduction of taxes had been obtained, which ministers at the commencement of the session had treated as impossible.

The House divided: For the Amendment 54; Against it 81.

List of the Minority.

Abercromby, hon. J.	Lethbridge, sir T.
Aubrey, sir J.	Martin, J.
Barrett, S. M.	Monck, J. B.
Birch, J.	Mackintosh, sir J.
Benett, J.	Macdonald, J.
Boughton, sir W. E.	Newport, sir J.
Bennet, hon. H. G.	Nugent, lord
Blake, sir F.	Ord, W.
Brougham, H.	Philips, G. jun.
Burdett, sir F.	Palmer, C. F.
Bernal, R.	Power, R.
Calvert, N.	Robinson, sir G.
Crawley, Sam.	Rice, S.
Crompton, S.	Ricardo, D.
Calcraft, J.	Rickford, W.
Creevey, T.	Sebright, sir J.
Curwen, J. C.	Smith, W.
Crespigny, sir W. De	Smith, S.
Denman, Thos.	Stanley, lord
Fergusson, sir R. C.	Wood, alderman
Gipps, G.	Williams, John
Grattan, J.	Williams, W.
Honywood, W.	Western, C. C.
Hutchinson, hon. H.	White, L.
Hobhouse, J. C.	Whitmore, W.
James, W.	TELLERS.
Kennedy, T. F.	Hume, J.
Leycester, R.	Davies, colonel
Latouche, R.	

Mr. *Hume* said, that after what had just occurred, the next thing for the House to do was, to endeavour to persuade ministers to carry the complex operation of their plan into effect as beneficially to the public as possible. He thought that this would be best done by the commissioners for the reduction of the national debt advancing the annual payments for a number of years, and afterwards repaying themselves, as the annuities to be paid decreased in amount. Such a plan would have the effect of relieving taxation at the present time, and might be carried into effect without the loss of a single penny to the country. He would therefore move to leave out all the words of the original resolution after the word "that," and to insert the following in their place: "That it is the opinion of this House, that, for the purpose of apportioning, conformably to the resolution of the 3rd of May last, the burthens of the naval and military pensions, it is expedient that the commissioners for the reduction of the national debt be authorised and required to

advance from the sinking fund into the exchequer several sums [which Mr. H. specified] by four equal quarterly instalments, payable on the 15th of January, 15th April, 15th July, and 20th of Oct. in each year, the first instalment to be paid on the 20th Oct. 1822; and that after 15 years shall have expired the said commissioners shall pay from the exchequer to the sinking fund the said annual sums above specified."

The *Chancellor of the Exchequer* did not think it necessary to trouble the House with any observations upon this amendment, as it was substantially the same with that which had just been negatived.

The amendment was negatived, and the original resolution was then agreed to; as were also the two resolutions immediately following it, without any further discussion. When the fourth resolution was read, Mr. Grenfell moved, that the following words be added to the resolution: "That it shall and may be lawful for the commissioners for the reduction of the national debt, if they shall think it expedient, to apply any of the monies which shall have been placed to their account towards the purchase of the whole, or any part of such portion, of the said annuity of 2,800,000*l.*, terminable at the end of 45 years, as the said trustees shall find it expedient to sell in any year, or of any other terminable annuities created by the authority of parliament." The chancellor of the exchequer acquiesced, and the amendment was agreed to.

On the resolution, relative to the repeal of 13*s.* out of the 15*s.* duty on every bushel of salt, from and after the 5th of January 1823,

Sir *J. Sebright* said, it would be of great relief to the agricultural interest that the tax should be taken off before the autumn, because then the greatest quantity of cattle was killed and salted.

Mr. *Curwen* observed, that there was another inconvenience by the mode proposed, as the poor people who laid in their salt would incur a great loss. For his part he was induced to move the taking off the whole tax [Cheers]. If it was necessary that the government should have the 250,000*l.* which they expected to raise by what was left of the salt tax, there were many other ways of raising that sum. He then moved as an amendment, "That from and after the 10th October 1822, all Duties on Salt shall cease and determine."

The *Chancellor of the Exchequer* objected to the amendment, on the ground that there could be no material alteration in the existing financial arrangements without breaking down the system altogether. If the whole of the salt tax were repealed, either some new tax must be imposed to supply the deficiency, or the integrity of the sinking fund must be invaded [A laugh!]. Did gentlemen mean by that laugh, that the resolution which had recently been agreed to, trenched on the sinking fund? If so, the House ought to adhere with the more pertinacity to what remained. But he denied that the resolution in question involved any incroachment on the sinking fund. If, however, this amendment was adopted, the present surplus of the income over the expenditure, on which the existing sinking fund was founded, would be diminished. With respect to the proposition, as viewed with reference to its effect on the community, he believed, that the remission of 13*s.* of the duty would afford to the public all the advantages that would result from the remission of the whole duty. For all the domestic purposes to which salt was applicable, a reduction of the price of salt from 17*s.* or 18*s.* a bushel, to 4*s.* or 5*s.*, would operate in such a beneficial manner, that the difference of 2*s.* would not be perceptible. As to the question of the duty on the salt employed in the fisheries, that might be discussed when the bill went into the committee. It was of vital importance, however, to the whole system of our finance, that this amendment should not be acceded to. By retaining the 2*s.* a bushel of duty on salt, parliament would retain for the public a considerable revenue. It was probable, in consequence of the increase of consumption which the diminution of duty must necessarily occasion, that the produce of the duty of 2*s.* a bushel would amount to 300,000*l.* That sum would be immediately lost by the adoption of the amendment. Such a proposition would with more propriety be made when the particular bill should be before the House.

Mr. *Brougham* congratulated the House on the great light which had broken in upon the right hon. gentleman's mind since the commencement of the session. The right hon. gentleman had then talked as if no relief could be experienced by the country from any remission of taxation. Nay, the right hon. gentleman had

even gone farther than the noble lord opposite did in 1816, when he said "the ignorant impatience" of the people on the subject of taxation [Lord Londonderry denied having used the expression]. He (Mr. B.) must have dreamt, then, that the noble lord had said so. And yet the idea was so singular, the collocation so peculiar, the whole phrase so extraordinary, that it was difficult to suppose any one could fancy such an expression had been used when it actually had not been so. The right hon. gentleman had not only characterized a remission of taxation as a most ridiculous project for the relief of the country, but had absolutely asserted, that he was not sure that such a remission would not increase the existing evil. The House and the country had, however, reason to rejoice in the new view of the subject entertained by the right hon. gentleman, who now talked very fluently, of the great relief which the taking off 13*s.* out of 15*s.* in the duty on salt would afford. Far be it from him to say, that such a diminution of the duty would not afford considerable relief;—a relief for which the country had to thank, not his majesty's government, but those who compelled them to concede the remission. The right hon. gentleman, however, refused to take off the remaining 2*s.* of duty. On that point he (Mr. B.) perfectly agreed with the member for Cumberland. Was it nothing, by refusing to abolish the duty, to keep up the whole expense attending its collection? Perhaps he should be told that the amount of that expense would abate with the amount of the produce of the duty. But, if he might judge from the present expense of collection in Scotland and England, no such effect would be the result. On the salt duty in England of a million and a half, the expense of collection was not more than 55,000*l.* whereas, on that of Scotland, which amounted only to 100,000*l.*, the expense of collection was 21,000*l.* The same result might be expected here. But there was another objection to preserving the duty, independent of the expense of collecting it; he meant the patronage which it gave the Crown. If a large revenue were to be raised by any particular impost which there was no means of avoiding, a certain extent of patronage in the collection might justly be allowed to the Crown. But if the revenue so raised was trifling, it was unjust to the people on constitutional grounds, to keep up a disproportionate patronage. There was a third objection to the continuance of any part of the duty. Let the House make what alterations they pleased in the salt laws, it was impossible, while any portion of the duty existed, that there should not co-exist those regulations which were the worst part of the worst laws of this country—the revenue laws. No man who had not seen the operation of those laws in our courts of justice—who had not witnessed the intolerable regulations which were brought together under this branch of our revenue system—could form any idea of the extent to which they cramped and fettered industry—of the snares which they strewed around its progress, or of the downright galling oppression that belonged to this part of our jurisprudence. Were it only for the sake of getting rid of all this odious machinery, it would be well to abandon the tax; but when, in addition to all this, they considered the undue patronage, and that all these evils were to be encountered for a sum at the utmost of 300,000*l.*, he thought the House could not hesitate to relinquish it entirely.

The Marquis of *Londonderry* said, that any stranger who had heard the learned gentleman, would really suppose that his right hon. friend was so fond of laying on taxes, and so inimical to taking them off, that he had preached a lecture to the House on the delights and the utility of taxation. Now, he would appeal to the House, whether his right hon. friend had not invariably declared, that whenever taxes could be remitted without detriment to the public credit, it would be a great relief to the country to remit them? What his right hon. friend had argued against was, the assertion of the learned gentleman, that taxes should be taken off to such an amount as immediately to remove the agricultural distress. The learned gentleman contended, that if the remission of five or six millions of taxes did not relieve that distress (which he very well knew it would not), the remission ought to proceed farther. His right hon. friend, on the contrary, maintained that the remission could not proceed so far; and *à fortiori*, that it could not proceed farther, without shaking public credit, and issuing in national bankruptcy; and therefore that an accordance with the learned gentleman's suggestion would be followed by additional suffering. With respect to the patronage, it was adminis-

tered not by the government but by the board of Excise. In one word he would state to the House why the learned gentleman supported the amendment. Either he wished to take from his right hon. friend the merit which belonged to him, or he wished to destroy the system which parliament had sanctioned. The learned gentleman felt himself so completely beaten, that he perceived there were only two games open to him. He hoped, either that the House would listen to the insinuations in which he was always indulging in order that he might appropriate to himself the suggestions of his right hon. friend, or on the other hand, that parliament might be induced to degrade itself, by breaking down piecemeal the system which it had hitherto determined to maintain. If the learned gentleman could once get his wedge in, he knew it would be difficult to prevent him from driving it farther. Unless, therefore, the House were prepared to retread their steps, they would reject the amendment; if the House allowed the learned gentleman to do what he wished, he would not only trench on the sinking fund, but would apply himself to the appropriation of a part of the general income.

Mr. *Ricardo* said, it was asserted by ministers that the annuity scheme was no infringement on the principle of the sinking fund. If so, instead of forty-five let the period of that scheme be extended to fifty or sixty years, and that would afford a sufficient sum to enable parliament to remit the whole of the salt duty.

General *Gascoyne* was of opinion that the reduced duty would be much more productive than was anticipated. He was satisfied with the diminution proposed.

Mr. *Benett*, of Wilts, characterized the salt tax as the most mischievous of all imposts. He hoped it would be entirely got rid of, and that, no longer existing as a *nucleus* of taxation, no minister would be hardy enough to propose its revival.

Mr. *Calcraft* allowed that the chancellor of the exchequer's proposition went in the first instance farther than his (Mr. C's) had done. But it should be recollected that his ultimate object had been the annihilation of the tax, although he was obliged to suit his primary proposition to the palate of those to whom it was made. To make the residue of the tax productive, it must be extended to the fisheries, than which nothing would be more injur[ious]. It would be in vain otherwise to expect an increase of consumption at the rate of 50 per cent on an article of the first necessity. It was evident that on the ground of constitutional principle, it would be better to get rid of the tax altogether. While any part of it remained, the people would suspect, that on the occurrence of any necessity for raising money, it would be restored to its present magnitude. It was well worthy of the consideration of a financial minister, that the repeal of the tax in question would afford the people the means of indulging in the consumption of other exciseable commodities; so that the revenue would not suffer.

The House divided: For the original motion, 111, for Mr. Curwen's amendment: 67.

Corn Importation Bill.] On the order of the day, for going into a committee on this bill,

Mr. *Canning* rose, to move an instruction to the committee, the subject of which, he said, was not new to the House, having been introduced to its attention in a petition from the holders of foreign corn at Liverpool. It was undoubtedly a great object to get rid of the accumulation of foreign corn, and the holders entertained the hope, that if it were ground into flour there would be an opportunity of exporting it to the West Indies or some other place, and it was wished that permission should be given that it might be taken out for the purpose of being ground for exportation, and failing of exportation, that it might be returned into warehouse. The first regulation would be, that the person taking out foreign corn should enter into bond to return even a larger than the usual proportion of flour. It might be permitted to remain for the chance of exportation a certain time, say six weeks, and then be returned into bond, and not suffered to come out for home consumption until the ports were opened. He would move, "that it be an instruction to the committee, that they have power to make provision in the bill to allow the taking of foreign corn out of warehouse, for the purpose of being ground into flour, for exportation."

Sir *T. Lethbridge* said, that the agriculturists had been so completely ground already, that he must take the liberty of opposing this grinding clause, in whatever shape it appeared. Nothing was more likely to promote the introduction into

our market of foreign corn, in the shape of flour.

Mr. *Ricardo* agreed, that if the clause could not be introduced with a full security against the flour coming into the home market it ought not to be admitted; but, if that security could be found, it would be most unjust to deprive the holders of foreign corn of it. He thought the bill of the noble lord would be a great improvement on the present law. The hon. member for Cumberland founded all his arguments on the value of corn in pounds sterling, but he (Mr. R.) did not regard the pound sterling. He was anxious that the people should have an abundant supply of corn and an increase of their comforts; and he thought a greater freedom in the trade calculated to produce those effects. He differed entirely from the hon. member, as to the ill effects which it would have upon the demand for labour.

Mr. *Western* would acquiesce in the clause, if security could be given that the corn reduced to flour should not be brought into home consumption; and he was disposed to think that such security might be given.

Sir *J. Newport* had no objection to the clause, on the understanding that proper means would be applied to prevent the flour from being brought into home consumption.

The House divided: For the instruction, 136; against it, 49. On the question, "that Mr. Speaker do now leave the chair," Mr. D. Browne moved, as an amendment, "that this House do resolve itself into a committee of the whole House, to consider the laws relating to the importation of foreign corn." The amendment was negatived. On the question, "that the Speaker do now leave the chair," the House divided: Ayes 149; Noes 41. The House then resolved itself into the committee. On the question, that 80s. be the permanent price at which wheat shall be imported,

Mr. *Whitmore* said, that the bill had two objects—to raise the price of corn in this country above the level of other countries, and to induce the agriculturists to grow a sufficient quantity of corn for the whole supply of the country. He decidedly objected to both these proposals. In a country densely peopled like this, it was necessary, that much of the supply should be obtained from other countries. Without imports we could not expect to have exports. It was true that of late we had not been importing corn; but we had, from the necessity of our peculiar situation been largely importing gold, which had given an artificial stimulus to commerce. High prices of the articles of subsistence in this country must destroy its trade or its capital. There were two opinions as to the effects of high wages, which high price of food rendered necessary; that they entered into, and increased the price of the commodity to the consumer; the other, that they lessened the profit of stock. Whichever of these views was correct, the effect must be ruinous to commerce. He was convinced that corn could not be procured in any great quantities from the Baltic, at a lower average than 40s. to 45s. to which the import charges and duties were to be added. As to currency, he expressed his doubts, whether the demand in behalf of this country for gold in the foreign markets, had not raised the value of that metal, and consequently the value of our present currency, to a greater degree than was calculated by his hon. friend, the member for Portarlington. The supply of gold also it was to be recollected, had been stopped from political causes. This was a subject which required to be sifted to the bottom; and he lamented that the plan of his hon. friend, for a paper currency payable in bullion had not been resorted to. He concluded by moving to substitute 64s. for 70s.

Mr. *Wodehouse*, instead of agreeing to reduce the import price to 64s. said, he should move an amendment to raise it to 75s. as it appeared from the whole tenor of the evidence, that 80s. was necessary as a protective price.

Mr. *Ricardo* expressed his surprise at the proposition of the hon. member for Norfolk, since the most active supporters of the agricultural interest had declared that 67s. would afford adequate protection to the farmer. He thought the proposition of the hon. member for Bridgenorth deserving the support of the House. High protecting prices would only benefit the landlord, at the expense of the rest of the community, not excepting even the farmer.

The committee divided on Mr. Whitmore's amendment: Ayes, 42; Noes, 87. Mr. Wodehouse's amendment was withdrawn and the original resolution agreed to.

Mr. *Bankes* then moved an amendment, that the importation duty should be paid

at the time of importation instead of the time of taking it out of the warehouse.

Mr. *Robinson* saw no sufficient reason for adopting the amendment. It would have the effect of preventing the warehousing of corn under any circumstances.

Mr. *Marryat* contended, that the amendment was in opposition to the whole warehousing system of this country.

Mr. *J. Benett* contended, that there was little or no analogy between the warehousing of corn and other articles.

The committee divided: For the amendment, 33; Against it, 70. Mr. Canning then proposed a clause to authorize the grinding of foreign corn into flour, for the purpose of exportation. The clause was agreed to pro formâ; and the farther discussion of it being postponed, the House resumed.

HOUSE OF COMMONS.

Tuesday, June 4.

CRIMINAL LAWS.] Sir *James Mackintosh* rose, to entreat the attention of the House to that very important subject, the criminal law of the country; and he felt that in mooting a question already so often discussed, he should have occasion for the patience and for the indulgence of honourable members. The fact of the repeated discussion of the subject—that fact alone—impressed upon him the difficulty of his task; but he was also aware, that the very nature of the question was calculated to do any thing rather than to excite general interest in the House. The question, however important to the community at large, touched, at no point, the interests of any particular class: it neither promoted the views of any party; nor could it be rendered subservient to the ambition of any individual: it formed no field for that kind of personal contest in the House which was the principal amusement of the parliamentary bystander; nor was it likely to produce any of those more serious contests between bodies of gentlemen threatened with ruin, and ministers compelled to defend their own measures, which the House had unfortunately heard so often during the present session. Not one of these various and opposite kinds of interest belonged to the subject upon which he had now to treat; but the deep importance of the subject had left him, in his own feelings, no choice but to undertake it. Under the difficulty which attached to the handling of a question so repeatedly discussed, he was sustained by the numerous and respectably-signed petitions which had been presented to the House. Those petitions, attested as to their value by the hon. members who presented them, spoke the deliberate opinion, the decided feeling of a great majority of the enlightened and reflecting inhabitants of England; and he, standing upon the foundation of public opinion, and about to examine a question which no one could deny to be of the very first importance, claimed excuse if he asked that same patient attention from the House with which he had been honoured upon former occasions. At such an advanced period of the year, he could have no hope of introducing a bill to be passed during the present session. Any proposal to that effect, at such a time, would be unreasonable; and he had been prevented, partly by the course of public business, partly by a sense of the difficulty of his subject, and partly by his own ill state of health, from bringing the matter forward at an earlier period. But although he had no hope of a full discussion of the subject in both Houses of parliament this year, he should hold it unpardonable if he did not make some effort to advance a cause which the community had so deeply at heart; and he therefore intended to propose a resolution to the House, merely affirming a general principle which he believed had already been recognized, and virtually adopted in various cases by the House, and by the legislature; and that resolution might serve as a basis for measures to be taken in the next session for the revision and reformation of British criminal law.

The better course, with that view, would perhaps be, to read the resolution at once. It was this—"That this House will, at an early period of the next session, take into their most serious consideration the means of increasing the efficacy of the Criminal Laws, by abating their undue rigour; together with measures for strengthening the Police, and for rendering the punishment of Transportation and Imprisonment more effectual for the purposes of example and reformation." Upon this resolution he would first say, that he attached little value to the peculiar form of expression in which it might be couched: he wished to get a declaration, generally, in favour of the principle: and he wished that declaration to be recorded as a resolution on the Journals of the House; but with respect

to any thing like criticism upon words, he gave his up at once to those who might think them worthy of such examination; and having stated thus much he would add a few words in justification of the course which he was taking. He set little value upon precedent on such matters; but if precedent was necessary, precedent he had, and of the highest description. In almost every work of reformation which had experienced vehement opposition, it had been found necessary in the different stages of the subject to vary the form of presenting it to parliament. In that memorable measure, the greatest effort perhaps of modern times in the cause of justice and humanity, the abolition of the Slave-trade—after bills had passed the lower House in favour of that measure and been rejected in the upper, after a bill for the partial suppression of the trade had passed through both Houses, a resolution similar to that which he now submitted, had been proposed by Mr. Fox. It embodied almost his dying words—it was the last effusion of that unextinguishable zeal for virtue and humanity which animated his heart and shed lustre over his public life; and in following such an example, farther search for precedent became unnecessary.

Having justified his conduct, then, in proposing the resolution, he would proceed to offer a few observations in its support. What he called upon the House to declare was this—that the efficacy of the penal laws would be increased by an abatement of their rigour. In proposing to the House to make that declaration, he proposed nothing novel; they would merely be re-asserting, and in definite terms, that which was contained in many acts of the House itself, and in some acts of the whole legislature. Had not the statutes against stealing in bleaching-grounds been repealed, upon the very ground that to mitigate the punishment was the only practicable means of making the punishment effective? Had not the repeal of several statutes in 1812 against offences connected with the revenue, proceeded precisely upon the same principle? Look at the statute of the 12th Geo. 2nd, which substituted transportation for death in cases of fraudulent bankruptcy. No man would contend that the punishment was mitigated out of any opinion that the offence was insignificant; but the change was made because the mere threat of death had deadened and defeated the whole operation of the law, and had, within the space of 70 years, reduced it to a dead letter. This alteration in the bankrupt law was only a single instance among many which might be cited. And could the legislature have put forth a more solemn recognition of the principle for which he was now contending? The punishment of death was repealed as regarded fraudulent bankruptcies; and yet fraudulent bankruptcy was a heavier offence than nineteen out of twenty of those which were still capital by the existing law of England. He would not consume the time of the House with repeated instances; but there was the case of shoplifting. The law was mitigated as regarded that offence from capital at 5s. to capital at 15l. The old excuse for that law had been, that it was intended to guard by severe penalties the property of poor shopkeepers from a kind of small theft to which they were continually exposed. That excuse was now given up. The small thefts were made no longer capital, and 15l. instead of 5s. was made the price of a man's life. Was farther instance necessary of the adoption of this principle, the acts of the House of Commons might over and over be appealed to. The bills in the time of the late sir S. Romilly might be quoted; the committees appointed by the House, and the reports of those committees. Nay, he would appeal to the divisions in that House, and to the feeling exhibited upon the question of forgery. He would ask, whether the attendance of members had not been as numerous, and the feeling of the House as strong and clearly manifested against ministers upon that question, as it had ever been found to be, or ever could be expected to be, upon a question merely of general legislation? Now, members were aware that the attendance upon such subjects could never be compared with that which was given upon subjects which agitated more immediately the passions of men. The state of the House at the moment when he (sir J. Mackintosh) was speaking, was a sample of the kind of attendance which could be obtained upon such questions. He alluded to that fact, not out of any personal feeling, but merely to show that upon the question of forgery—upon that question which was the strong-hold of the opponents of his present measure—upon

that question which formed the very triumph of severity—the House of Commons had inclined to the wise resolution, that the punishment of death should to a great extent be done away? Upon grounds like these, it was not too much to say, that, in calling upon the House for a resolution that mitigation would promote efficacy, he called upon it to declare nothing which it had not virtually declared long ago; that he only was demanding that avowal in terms which the House, by its acts, had repeatedly made already. The latter part of his resolution he had introduced, because he had been told upon a former occasion, that in attempting to discuss the question of capital punishments, without looking at the question of secondary punishments, he was separating two things, which, from their nature should be indivisible. To satisfy the holders of such opinions, he had put the two questions in his present resolution together. He himself thought them, in some points, inseparably connected, though not exactly in the way which the gentlemen to whom he alluded maintained. Those gentlemen thought that the question of secondary punishments should be first considered; he, on the contrary, gave his first attention to the capital punishments; and he did so, because he took a vain reliance upon the fallacious appearance of efficacy belonging to the threat of punishment to be the true cause of the lax and disgraceful condition into which the secondary punishments had been permitted to lapse. The very first step, in his opinion, to a reform of our secondary punishments, must be a reduction of the capital punishments—a reduction of that stay which always deserted our lawyers in action, but a reliance upon which had tempted them to neglect the effectiveness of other systems, more safe and more important.

Now, in offering some reasons why the House should reaffirm the principle for which he contended, he could not do better than take his footing upon a ground which he had heard laid down by an hon. friend of his, that in all questions relating to the arrangement of punishments, the burthen of proof was not with those who attempted to reduce the capital punishments, but with those who endeavoured to support them. That course, indeed, was borne out by every general principle. Capital punishments could only be justifiable in cases of absolute necessity. They must be justified upon the same principle with war or any other measure which went to take away the life of man—upon the principle of self-defence, the principle that we had no means of securing or defending ourselves against the individual except by destroying him. Then, of course, the lead lay upon those who justified the taking of man's life. They were bound to show that, in the cases where they contended for it, it was necessary. Those who contended against the power could not be expected to prove a negative. Now he (sir J. M.) charged this defect upon the law of England for the last 150 years. All other nations, whatever might be their laws, be they mild or be they cruel, made it a principle generally, that those laws should be carried into effect. But, while such was the practice with all foreign nations, England had 200 capital offences upon her code, for not more than 20 of which convictions ever took place; and upon the convictions which did take place, not more than one offender out of ten suffered the penalty of the law. That such a system, notwithstanding its absurdity, should find some supporters, he did not wonder. Paradox, from its very singularity, at once attracted the attention of genius. An anomaly or a gross absurdity was a plaything, as it were, for men of talent; and when men of talent had their own interest concerned in supporting that absurdity, it would be strange if, in a country like England, it should be found without defenders. And then, on the other hand, people's fancies were excited by such discussions. They were more pleased and amused with hearing a thing any how defended, which they had never imagined could bear defence at all, than they would be with a homely, straight-forward discussion. Certainly it was to no other cause that he could ascribe the fact of our criminal laws having been defended by Mr. Windham and Dr. Paley. There had, indeed, been a spirit of chivalry about the general conduct of Mr. Windham—a love of singularity, and a reverence for ancient customs—which rendered his defence of this system perhaps rather intelligible. Men naturally delighted in that which was new to them. Liberal opinions were the opinions of the society in which Mr. Windham had [illegible] and lived, and consequently there had been nothing to him of novelty about them; but, in taking up the old opinions, the dogmas of former

ages, he had the pleasure of defending a hopeless cause, of justifying abuses long and long exploded, and of palliating evils which were condemned by every enlightened man in the country except himself. As to the panegyrics which lawyers by profession were eternally pronouncing upon the laws of the country, while they were undiscriminating, he, (sir J. M.) thought they were wrong. Upon portions of their commendation he agreed with them altogether; but indiscriminate praise carried back his mind to the words of that poet through whose prose writings even the spirit of Paradise Lost often beamed in all its vigour; such commendation made him think of the words of that poet, the first defender, let it be remembered, in Europe, of a free press and an unfettered conscience; that bard, in his address to the Lords and Commons of the land, spoke in these terms—"Those who freely magnify what has been well done, and fear not to declare as freely what might be done better, give the truest covenant for their fidelity. Their highest praise is not flattery, and their plainest advice is a kind of praise." And such was the kind of praise which he (sir J. M.) would apply to the great principles combined in the law of England. To distinguishing praise he offered his full tribute; and of undistinguishing praise, what, he asked, was the value? Such praise was bestowed upon the law as it now stood. Why, yes; and it had been also bestowed before the time of William 3rd, when no man indicted for treason had a right to a notice of trial, to a copy of his indictment, or to a list of the witnesses against him. Such praise had been lavished before the act of the 1st of queen Anne, when no witnesses could be sworn in favour of a prisoner, and when it was a vain formality therefore to give him the right of calling witnesses at all. During all the time that those excellent regulations had existed, the cry against innovators had been no less loud than it was now. He contended, therefore, that the praises of lawyers were to be guardedly received. Mr. Serjeant Hawkins said, in his "Pleas of the Crown," that "those only who have taken a superficial view of the Crown law, charge it with rigour." Would the House believe that those words were written while the statutes against witchcraft were still in full force—while witches were burned as regularly as felons were hanged at every assize? But to come farther down. What was the state of the law even within the last 30 or 40 years? Had not women been burned alive for petty treason within that time, and prisoners put to the torture for refusing to plead? And yet all this while lawyers had not been less loud in their praise of law, courtly writers less warm in its commendation, or enemies to innovation less numerous and determined! It was to fundamental principles that he wished to draw their attention, in discussing the present question, although he was certainly aware that no views could be more unpopular in that House, and that nothing was in danger of being held more visionary, than the idea of framing a scale of punishments adapted to the degree and measure of criminality. He knew it might be said, that every attempt to construct such a scale had been found impracticable, and that no theory of the kind was to be found in the writings of Montesquieu. Let it not, however, be treated with scorn and derision on the credit of such representations. Such a scale was to be found in a document which, though it had been enacted nearly 600 years ago, still formed a portion of our written law—it was to be found clearly and distinctly expressed in Magna Charta. In that superannuated statute, passed by turbulent and martial barons, there was, indeed, a most singular contrast with the spirit of legislation that distinguished more modern times. But unpopular as it might be to refer to that ancient and venerable monument, to that law of laws which he charged the criminal jurisprudence of England with violating every day, he should yet think that a British parliament would listen with respect to this thirty times confirmed enactment. Remarkable it was that those whom we, in this enlightened age, were apt to consider as barbarians, had legislated respecting crimes with the clearest judgment, and with the most careful humanity. Their reserve as to the infliction of the last dreadful penalty, he had already noticed; their respect for property, and the rights of merchants, were equally conspicuous. Pecuniary fines were at that time an ordinary mode of punishment, and these were imposed on every occasion, with a strict reference to the amount of guilt, or the circumstances by which it was softened or aggravated. What were the words of that charter? "Liber homo non amercietur pro parvo delicto, nisi secundum modum illius delicti, et pro magno

delicto secundum magnitudinem delicti, salvo sibi contenemento suo: et mercator eodem modo, salva merchandisa sua, et villanus alterius quam noster, eodem modo amercietur." Thus it appeared that their zeal for the distribution of justice did not overlook persons in a servile condition, but that every class was alike the object of their wise and provident liberality. At this period the civil magistrate might have called to his aid all the thunders of the church; but he did not think it necessary to avail himself of that alliance, in order to fortify his denunciations of capital punishment. At that time it was not capital to utter a forged note for one pound, to cut down a tree in an avenue, or to steal to the value of 40*s.* in a dwelling-house. It never could be deemed agreeable to the principles of religion, any more than it was to the letter of Magna Charta, to inflict the punishment of death for a fraud, or an offence against property, to which the culprit had been, perhaps, instigated by the extremity of want. He could not but think that the views taken in the 13th century, amidst all the rigour of the feudal system, presented an afflicting contrast in this respect with the opinions now entertained in some quarters where they could not fail of exercising a great influence. Enlightened lawyers were unhappily at variance with the authors of that great foundation of our liberties, which had been thirty times confirmed, and which contained, instead of a measure of suspicion and tyranny against all foreigners, a special enactment for their protection. Every one had heard the name, if he had not read the writings, of sir Mathew Hale. That celebrated person flourished under the reign of Charles 2nd, and in his work on the Pleas of the Crown, had observed, that death was too frequently adjudged in this country; but the difference between England and other nations was, that much was left elsewhere to the *arbitrium judicis*, but in England the laws were more determinate and inflexible. Let the House, then, only reflect on the change which had been effected in the character of our laws since that period. It was by the extent of discretion left to the judge in criminal cases, that we were now distinguished from, and opposed to every other country in the world. Was he to be charged with introducing new or vague opinions on the subject, when he produced an authority like this; or rather did it not justify him in proclaiming the more recent doctrines received upon it as themselves an upstart degeneracy which they could not too soon abandon? Since the time of sir Matthew Hale, when, according to that venerable person, the criminal law of England was too sanguinary, there had been added various capital punishments for forgery, for stealing in a dwelling-house to the value of 40*s.* and for sheep-stealing. If it were said, that modern usage differed from the usage of antiquity, and had led to a different result, he should be extremely happy to place the argument upon that issue. Lamentable, indeed, was the inference furnished by a contemplation of the actual effects which had followed the change in question. The average of capital convictions from 1805 to 1809 inclusive, was 381; and for the last five years this had risen to 1,260. Here was one striking evidence of the practical result of a legal system, contrasted not only with the sentiments of our ancestors, but with the laws and institutions of every other country under heaven. Something must be attributed, beyond all doubt, to an increase of population. A variety of causes might have been more or less influencial in producing this rapid and frightful increase; but surely the presumption was against those penal laws, under which this increase of crime had taken place. In other countries, where the law was different, a different result had followed; and so far they had the *experimentum crucis* in favour of his argument. When the disease became more violent, instead of abating, and its symptoms rapidly and constantly increased, surely there was reason to suspect that the remedies were not well chosen or applied. It would not be asserted by any enlightened foreigner, that there was any thing in the national character which peculiarly disposed it to the perpetration of criminal offences. The House had recently received several petitions on this subject, exhorting it to adopt those principles which he was now feebly endeavouring to recommend. In some of them it was truly urged, that the extreme severity of punishment often defeated its own purpose, and secured impunity to the offender. Perhaps enough, however, had scarcely been said on the importance of adverting to its usefulness in every instance, where the punishment of death was inflicted. He feared that

this great object was too frequently endangered and altogether sacrificed, by its disagreement with the feelings and sympathies of mankind. It was in vain that the tyrannical magistrate might flatter himself with the hope of spreading the terror of his authority by the severity of his judgments. The laws of nature had declared, "thus far shalt thou go, and no farther:" those punishments which were called infamous were at length laid aside from their want of efficacy, and it was well known that when torture was sometimes inflicted upon faith and conscience, such was the support which the victims derived from the admiration and sympathy of their beholders, that their triumph was complete, where their oppressors had been most confident of their misery and humiliation. When mankind beheld the life of a fellow-creature sacrificed for a petty theft, a trifling injury or fraud, their feelings at once revolted, they sympathised with the sufferer in his dying moments, and, ascribing his punishment to the effect of superior power alone, they too often inwardly loaded both laws and judges with execrations. These were reflections that seemed to have escaped the authors of those 220 capital felonies which now polluted our Statute-book, and so many of which had been added since the time of sir Matthew Hale. Admitting the advantage to be derived from a particular case of punishment, where the circumstances were of an aggravating nature, still they ought likewise to look at the other side, and consider at what price this advantage was obtained. The awful punishment of death was rendered familiar, the ideas and sentiments of men were confused, and the execution of a criminal was disarmed of all its salutary terrors. That infliction which would otherwise carry an authority that must impress itself on the hearts of all, was regarded as an unavoidable accident; a certain number of deaths was calculated on, even as soldiers looked forward to the same events in the course of an honourable campaign. The sword of justice was thus blunted, and the corrective influence of penal laws was lost. If it was said, that he was now speaking as a philosopher and a theorist, he would refer to the observations of a learned person, Mr. Serjeant Adair, in 1796, then a member of that House, and holding the office, (being the last eminent person who had held it) of recorder of the city of London. That learned person, after an experience of 20 years, did not hesitate to say, that the complexion of our laws was too sanguinary, and that "it was painful to reflect, that the punishment of death was not reserved for the crimes of treason and murder." Now, he (sir J. M.) did not go so far in his philosophy as the judge to whom he was alluding went, conformably to his experience and practice. The principles which he was now desirous of seeing espoused by the House, had been already adopted by states of the most various and dissimilar forms of government—from countries in which the power of the monarch was all but absolute, to those in which the constitution rested on the verge of democracy. Russia had followed the example. Even Austria had been subdued in this instance, and, foe as she was to human improvement generally, she here joined with Spain, with America, and with every other country except one, or rather except with a branch of the legislature in that one, which he should not name. Such was the force of truth, and so strong were the moral feelings of society on this important subject, that during the French revolution, a very material alteration and reform was effected in their criminal jurisprudence. That eminent person, under whose government it was perfected, and of whom it was now certainly lawful to speak with historical truth, had not only approved of the undertaking, but assisted at its execution, in which he displayed a share of acuteness, as well as zeal, which would cast over his fame hereafter, a lustre that neither his conquests nor his adversities would eclipse. This it was due in justice to his memory to state; for though he had fallen in an evil hour, and had weakly yielded to the temptations of legitimacy, when he might have been the champion of the liberties of mankind, yet it was with no narrow mind that he regarded these subjects: he patronized art, he was himself versed in science; he did not say to his professors that he wanted no learned men, but was disposed to encourage all improvement that did not circumscribe his power or limit his ambition. The Code Napoleon was complete in 1810, but, to comply with the habits and language of the noble marquis, he would date his remarks upon it "as to its working," in the year 1811. The entire number of capital offences in our criminal

jurisprudence he had already stated to be 223: in the French code it was six. These six were the following:—high treason, which was technically defined in terms different from those used in this country. Murder, which was well defined. Arson. Forgeries of notes of the bank of France and government securities. Coining; and theft, under some of the following circumstances:—that it be done in the night; that it be perpetrated by two or more men; that the parties are armed; that a house is broken open, or entered under the cover of legal authority; or that arms be either used, or threatened to be used. Under the French Code, a seventeenth part of the offences specified were capital. Under the English code, about a seventh were punishable with death. In France, there was no transportation, and about four-fifths of the punishments inflicted consisted of imprisonment and hard labour. In England, the number of transportations were about one-fourth—the punishments by imprisonment and hard labour amounted also to one-fourth. The mean amount of the English population during the period to which his calculations referred, he would take at 11,000,000. The mean amount of the French population, during the same period, might be estimated at 27,000,000, being about two and a half to one. Such being the number, it appeared that the convictions in England had, in the first five years, doubled those which had taken place in France, being five times as many according to the number of the people. In the five years at the end of the period referred to, the convictions in England quadrupled those in France, amounting to ten times the number in proportion to the population. In France, the average number of convictions, in the first three years, was 294. The average number in the last three years, 303, being a variation of only nine. In England, the average number at the first-mentioned period was 349. In the latter it had risen to 1,249. This increase, though part of it might be ascribed to the distress under which the people had groaned and continued to groan, he argued, was also caused in part by the character of our penal code. The situation of France, twice invaded, the disbanding of a large army, and the horrors of a thirty years' war, would have led them to expect a different result. That France had escaped the fatal increase of crime which had been witnessed in England, must therefore be ascribed partly to her improved criminal code. In this country, from the year 1805 to the year 1809, which was considered a period of prosperity, when the chancellor of the exchequer was in his Paradise, and issuing paper dreamed that it was wealth, the convictions had increased from 339 to 549. As this was before the peace, it could not be ascribed to the pressure of misery under which, he would not deny, the people had since groaned. He feared he was trespassing too long on the patience of the House; but as we had but seldom an opportunity of discussing the merits of the Code Napoleon, he did not think he should be right if, in considering a theory, he omitted to point out its merits. In alluding to it, he was comparing the systems of two great nations, which, though rivals in all things, might be considered as jointly at the head of Christendom. He was comparing the results of the different systems of criminal jurisprudence adopted by each; and though, as was said 150 years ago by lord Halifax, "Nothing was so apt to crack in stretching as an inference," he did not think he was stretching the inference too far when he asserted, that when two systems produced such opposite effects, when under one crime had decreased, whilst under the other it had increased rapidly, there must be in the one something to be approved, and in the other something to be condemned. There was also this striking contrast in the criminal laws of France and England—that the former were intended to be carried into effect, whilst, the severe decrees of the latter were in most cases dispensed with. This, in itself, was an objection which ought to be fatal to the system. It was a defect opposed to the practice of all civilized nations, opposed to reason, and justly condemned by all experience. It was not, then, too much to infer, that, under such a system, crime could not be effectually checked nor adequately punished.

He would now come to that part of the subject to which the second part of his resolution tended; namely, that the reduction of capital punishment would tend to the improvement of civilization. First, with respect to the state of the police. The principal object of police should be to repress disorder; the next, to detect crime. To repress disorder, it

would be necessary that more effectual means should be adopted; but he should object to means derived from too great a restriction of human action, which he would call tyranny; and in the detection of crime, he should deprecate as much as possible a system of espionage, by which he believed a nation lost more than it could gain on the score of morality; for it was in itself a more fertile source of crime than any other. The most effectual means, in his opinion, for the detection of crime, would be the mitigation of punishment. If the laws were more mild, no stigma would attach to the discovery of crime; the hearts of men would go with its detection, and we should have that information given voluntarily, and from the best of motives, which was now extorted from the worst of vices. If it was wished to make the informer and the prosecutor appear less odious, let them not so frequently conduct to the gallows; let not death to the accused follow the accusation, and we should then have crime discovered, and its punishment approved; instead of, as was now the case, crime studiously concealed, and its punishment looked upon as wanton severity.

With respect to transportation as a punishment for crime, he would say, that, in a variety of cases in which it was at present inflicted, he considered it unnecessary and impolitic. There were, however, two classes to which he thought it would be applicable. The first was, that of incorrigible offenders, whom no exertions could reclaim. Such persons, undoubtedly, ought to be banished from the society of which they were unfit members. The next class consisted of persons of a description exactly the reverse. He would suppose the case of a man who had fallen into a crime of which, perhaps, he might be disposed to repent, but, in consequence of which, there was no hope of his resuming his former place in society. Such a man might be properly sent into a new society, where he might repent, and again return to those moral practices from which he had fallen. To such persons transportation might be applicable; but then it should be to a colony established on different principles from that of New South Wales? When America ceased to be considered as a fit asylum for convicts, this colony was thought of; but in its establishment there was this capital defect—it was not considered that the best foundation for a penal colony was a moral population, where the example of a different set of men with better habits might have an effect on the newly-arrived convict. This, however, he regretted, was not considered in our present system. There were other vices attendant upon our treatment of convicts, which called for correction. He did not see, for instance, why persons transported might not have their labour transferred to private masters, by whose care and superintendence much good might be effected. At the same time that he suggested this, he admitted that it was a measure which ought to be adopted with great caution; but, with proper precautions, he was satisfied it might in many cases be done with very good effect.

Another circumstance, which was eminently calculated to check crime, was a proper attention to prison discipline. In adverting to this, he would not wish that any thing should be adopted without the most serious consultation with those benevolent individuals who had made the subject their study. But, without going more at large into the question, he would say, that every thing depended upon the classification of the prisoners. This he thought might be left in many cases to the discretion of the magistrates; yet it ought to depend entirely on the nature of the crimes of which the parties were accused. He saw one plan by which all felons were classed together. This system was most absurd and injurious. What could be more unjust than to allow the parricide to be confined and associated with the man whose offence was the cutting down a tree? Surely nothing could be more effectual to spread the contagion of crime than such an association. But because the neglect or the folly of our law condemned each equally to death, the parricide, and the poisoner, and the most hardened criminals, were to be placed in a state of daily and hourly intercourse with those whose offences, though denominated felonies, could scarcely be deemed immoral, when compared with the enormities of those with whom they were associated. The consequence was, that until the evil was remedied by proper classification, our prisons, instead of being the means of repressing, would become so many nurseries of the worst of crimes; and those unfortunate persons whom our game laws, our revenue laws, and our poor laws sent thither, would, by the contagion of evil example,

become, on their liberation, the pests of society. To those humane and benevolent individuals who devoted a large portion of their attention to the improvement of our prison discipline, it was impossible to render sufficient thanks. Their exertions were daily becoming a national benefit, though he had known occasions upon which their labours had been scoffed at, and held up to ridicule. In that House he had heard a member, whom it was unnecessary to name, ridicule such exertions, and add, that it seemed as if it was intended to encourage crime, by making prisons houses of ease and recreation. Allusion had also been made, in derision, to Persian carpets, as if such luxuries were to form a part of an improved treatment. This, however, was grossly mistaking the objects of those who endeavoured to improve our prison discipline. They desired to let the prisoner feel that he was in prison, as much as that could be felt consistently with health, and the prospect of reformation. To the latter every possible attention was paid, and it would not be contended that the former was a matter of indifference. Individual cases of reformation might be scarce, but one example of that kind was worth twenty of severe punishment. The hon. and learned gentleman then alluded to the many instances of reformation of criminals which had been effected by the benevolent exertions of a number of highly respectable females, who devoted a large share of their attention to that most meritorious object. These reformations were effected, not by a departure from the modesty of their sex, but by following up the dictates of that modesty, by exhibiting in their own persons those traits of mildness and benevolence, of humane commiseration for the failings of their fellow-creatures, which render the virtuous so amiable, and make their example so impressive. We had heard of associations of females in Catholic countries called the Sisters of Charity, who made it their business to visit the sick in hospitals and prisons, and to perform all those kind offices by which misery could be alleviated. Their conduct was most praiseworthy; but they were bound by vows, and their actions were regulated by the rules of their order. They gave up all the relations of domestic life, and only adhered to the obligations of their rule. But our Protestant Sisters of Charity were bound by no vows; their actions were the result of no set of regulations which they must obey. They went further than those excellent models of the Catholic belief; for while they voluntarily devoted so large a portion of their time in administering to the wants, bodily and mental, of those whom they visited, they forgot not the duties of domestic life, of which they still continued the best models and the highest ornaments. Their benevolent visits brought them in contact with some of the worst of vices in their worst form—the female. They made themselves acquainted with the weaknesses, the follies, and the crimes of the unhappy objects of their care; and thus, by means of the same knowledge by which the villain was enabled to seduce them to the paths of vice, did those benevolent females endeavour to draw them to practices of virtue. He himself had seen some of the effects which he described. He had visited the prisons where those benevolent ladies were so humanely occupied. He was accompanied by persons who, while they were disposed to praise and approve of every plan by which the load of human misery could in any degree be lightened, were at the same time studiously vigilant to observe the manner in which such good was effected. They perceived with sincere satisfaction, not only the good done, but the modesty with which the benevolence of those ladies unfolded itself. No exaggeration of what had already been the result of their efforts—nothing of vanity, where such temptations to it existed—but the whole of their conduct in this pious work was marked by that modest and unpretending benevolence, which proved at once the sincerity of their intentions. It was a melancholy reflection, that our system of criminal laws was constantly opposing itself to such humane exertions. One execution for the forgery of a bank-note, or the cutting down of a tree, was calculated to defeat their best efforts. In proportion as their humanity was felt and appreciated, so must the severity of our laws be more striking by the contrast, to those for whom that humanity was excited. In proportion as they succeeded in making those unfortunate beings more enlightened, so must they perceive themselves the more opposed to our system of criminal laws. But he would not press the subject farther. He had trespassed too long on the attention of the House, but not, he trusted, without having succeeded

in establishing the position—that undue and undistinguishing severity was the worst means of repressing crime. The hon. and learned gentleman concluded, amidst cheers from both sides, by submitting his resolution.

The *Attorney General* trusted, that in opposing the present motion, his hon. and learned friend would not consider him as adverse to any alteration in our criminal laws. It was certain that almost all the ameliorations in our criminal code had been introduced by gentlemen of his profession. It was therefore erroneous to suppose that the profession were opposed to any improvement in the state of our laws. He for one would not be favourable to capital punishment in any case where it could be shown that it might be safely dispensed with. He, however, could not consent to a motion which went to pledge the House to a measure which would cast a censure on the whole of our criminal law. The motion was the less necessary, as no specific measure was to be founded upon it this session; and such a sweeping declaration would, he thought, put the government and the criminal law in a situation in which they ought not to be placed. What had been the course hitherto pursued by his hon. and learned friend? He had first of all proposed the appointment of a committee to take into examination the whole state of the criminal law. Such a committee was accordingly appointed, and subsequently presented a report to the House, recommending that, in particular cases, capital punishment should be abolished, and a secondary punishment substituted in its stead. Upon that report his hon. and learned friend brought into the House certain bills to carry that recommendation into effect. The House adopted some of them, but rejected others; notwithstanding which, his hon. and learned friend said, that the House had, on that occasion, adopted the same principle indirectly which he called upon it by his resolution to adopt formally at present. The proper course for his hon. and learned friend to have pursued was to have again brought forward those measures which the report of the committee had recommended, in order that the House might see the remedies which it was intended to apply to the grievances complained of; but, instead of doing this, his hon. and learned friend had left the House entirely in the dark regarding his intentions, except, indeed, with regard to the cutting down of young trees, and the stealing of 40*s*. in a dwelling-house. With regard to the crime of forgery, his hon. and learned friend might have again submitted to the wisdom of the House his bill for the mitigation of the capital punishment attached to it. His hon. and learned friend was bound to have proposed some specific measure to parliament at present, or if he wished to obtain a declaratory resolution of the House, to have brought it forward at such a period of the session as would have enabled him to follow it up by some practical measure. His hon. and learned friend had said that the effect of the criminal law as it now stood was to increase the quantity of crime. Now, his hon. and learned friend could have no other grounds on which to rest his assertion than the number of individuals convicted and executed for any given offence; and if so, the return of those numbers did not bear him out in the proposition he had advanced. Besides, his hon. and learned friend had been somewhat inconsistent in the line of argument which he had himself used. His hon. and learned friend concurred, he believed, with the statement contained in the report of the committee on the criminal laws; namely, that there were some crimes—for instance, burglary, theft, murder, and robbery—to which it was still fitting that the punishment of death should be attached. Now, it so happened, that upon all offences of the nature above specified the punishment of death did not invariably follow; for there were such gradations in the moral guilt of them, that it would be impossible to inflict such punishment upon every occurrence of them without exception. He found, upon inspecting the returns, that the offences he had just named had gone on in the same ratio with the offences mentioned by his hon. and learned friend, and he therefore contended, that the argument of his hon. and learned friend, if it applied to the one species of offence, applied strongly to the other. It was also a fair inference from his hon. and learned friend's argument, for any person to state, "Your not always applying capital punishment to burglary and murder, leads to an increase of those crimes; and, therefore, to diminish the frequency of them, you ought to abolish the capital punishment for them, and to substitute a lighter and secondary punishment." But his hon. and learned friend had himself declared,

that he had no wish to abolish the punishment of death in those cases; though he had not given any reason for the continuing it in the one case, and discontinuing it in the other. The principle of English law was not to have a scale of punishment adapted to the exact quantity of crime committed; but to have a known and specific punishment for each species of crime, and to leave that punishment to be mitigated by the Crown and the executive, whenever circumstances seemed to demand such a mitigation. It had been argued by his hon. and learned friend, that where the law affixed death to an offence, but afterwards inflicted a minor punishment in lieu of it, there it would be better to remove the greater punishment, and to continue the less with undeviating constancy. Now, to that argument he could not yield his assent; for even though the greater punishment were but seldom inflicted, it would still leave a strong apprehension of it on the mind of every criminal. With regard to the comparison which his hon. and learned friend had drawn between the state of the criminal law in France and England, he would merely ask him whether he would wish to introduce into this free country the police and criminal law of France? Unless the preventive police of France, and the whole system of Napoleon, were taken into consideration, any person making a comparison between the criminal code of France and that of England, and founding it principally upon the number of criminals convicted and executed in each country, would be certain to arrive at a very erroneous conclusion. But, what period had his hon. and learned friend seselected for bringing forward his resolution? At that very moment they had a committee sitting up stairs on the state of the prisons of the country, a bill was upon their table by its express direction; and a gentleman who had been sent to New South Wales to gain information respecting the state of the convicts, was daily expected to return with that information. At that very moment a committee was busily employed in examining into the state of our Police; and, yet that was the moment chosen by his hon. and learned friend, to call upon the House to resolve to take into consideration, not now, but in the ensuing session, the means of increasing the efficacy of our criminal law by abating its present undue rigour, of strengthening our police, and of rendering the punishment of imprisonment and transportation more effectual for reformation than it was at present. To adopt such a resolution would be to hold out to the country a sweeping condemnation of the criminal law as it now stood, and would place those who had to administer it in the most painful situation. As he had no wish to prevent this subject from receiving full consideration at a fit opportunity, he should not meet the resolution with a direct negative, but would content himself with moving the previous question.

Mr. *Fowell Buxton* said, that at so late an hour he should not have risen to address the House, were it not for some of the minor points which had been touched upon in the course of this discussion. If the present motion went merely to affect the law as applicable to capital offences, he should have rested its merits upon the able speech of his hon. and learned friend; but upon the minor points to which his hon. and learned friend had adverted, he begged permission to make a few observations. It was curious and essential, in looking at this subject, to consider the operation of the existing law, and how far the prevailing punishments were rendered available in practice. Upon a reference to the returns of committals and convictions in Ireland, he found that the number of committals in one year for offences not capital, were 6,000; for offences that were capital, 2,500. Of the former, the convictions were in the proportion of one-half, and of the latter only one-seventh. The same inquiry would lead to nearly the same result—though not perhaps to the same extent—in England. In Ireland he might also mention that the committals for minor offences were 3,700, of whom 3,000 were convicted. In England experience showed that when a man was tried on a capital charge, his chances of escape were double, in comparison with what it would be, were he indicted upon the minor charge. And in America, when the capital law was mitigated, the acquittals were only at the rate of 1 to 7, although before the alteration in the severity of the law they always equalled the convictions. In the year 1818, the number of persons sentenced to death or transportation were 3,906, of whom 100 only were executed. The greater part of the rest had been transported. Upon the punishment of transportation it was only necessary for

him to remark, that it did not constitute what could be considered as a secondary punishment. The right hon. and learned gentlemen opposite, the noble marquis who sat near him, lord Liverpool and lord Sidmouth, all admitted, that there was no adequate secondary imprisonment. Lord Ellenborough had said twelve years ago, that transportation was nothing but an easy migration by a summer's voyage from a worse situation to a better. It was by all admitted, that, in the way of terror to a criminal, transportation was just nothing at all. On the contrary, it rather offered a bounty and a temptation to crime, than an inducement to refrain from its commission. He held in his hand the best evidence of that fact, from the testimony of convicts themselves. If the House would permit him, he would read a letter transmitted by a convict of the name of Clark, from Botany-bay, to his wife in England. It was a private and a confidential letter. [A laugh.] He meant it was confidential until he had obtained the wife's permission to read it; and the letter would show how far transportation operated to induce remorse in the mind of the criminal, and how far it could be considered as deterring a culprit by example. The letter commenced thus:—" Providence shines on me in every shape; I hope he will provide for you as he has for me. [A laugh]. I cannot grumble —the winter here is hotter than the summer in England. We have two crops here every year, and no ice ever thicker than a shilling: the grapes lie in loads on the rocks, and the peaches run wild in the fields; so that the day that I committed the offence which brought me here was the best day's work I ever done." He would submit whether this letter contained any thing like a tone of remorse; or whether it afforded any thing in the way of useful example—which ought to be the object and end of all punishment. He would mention another instance. It was in the person of a convict named Cook, who had also written home to his family, describing the comforts of his situation, and the good exchange he had made by his change of residence. "I am (says this man) living a servant with one 'Squire Love; he lives very well here, and is reckoned a very clever gentleman." Now, it so happened that he (Mr. Buxton) knew something of this 'Squire Love. He had lived for a long time as a clerk with a gentleman in a county with which he was well acquainted, and had repaid the confidence reposed in him by his employer, by robbing him of property nearly amounting to 20,000*l.*, with the produce of which he had loaded a ship, and was about to emigrate. The police, however, secured him. He was tried on the capital charge, but saved, and would have escaped altogether, were it not for a minor count, on which a conviction was obtained against him; in consequence of which he was ordered for transportation. Thinking that the execution of such a sentence would only enable him to enjoy more completely the ill-gotten wealth he had retained, he (Mr. Buxton) applied at the home-office, to entreat that the sentence of transportation might be commuted to imprisonment in the hulks, or hard labour. He encountered a refusal, and the man was transported, and transformed into "'squire Love, a very clever gentleman;" and so he certainly was. The only question was, did the same description apply to those who sent him there? When this mode of punishment was found so utterly to fail, why was it persevered in? He remembered to have read in Tacitus of a Roman named Gallio, being transported for some crime to Lesbos; but upon its being ascertained that the was enjoying *insula nobilis et amena*, he was brought back, and placed in a situation more likely to expose him to privation. The lateness of the hour alone prevented him from entering more largely into the question. He should therefore pass over altogether the police branch of this subject, and merely advert to the example of Charles 5th, which had been quoted last year by his hon. and learned friend (Sir J. Mackintosh), and which furnished a memorable illustration of the benefit of mitigating the severity of the criminal code. It was well known that the whole of the early part of Charles the Fifth's reign was marked by religious persecution. He had framed the Code Caroline, which, for undistinguishing severity, was a refinement upon the laws of Draco. It inflicted, without selection or mercy, the most cruel and lingering death; and the result of that system was found so inadequate for the purpose of prevention, that Charles himself, at the close of his life, was convinced of the necessity of altering it. It was the deliberate conviction of his reason, and not any thing like a woman's compassion which dictated the change. The law had been stretched so far, that accusers and pro-

secutors were wanted—witnesses were not forthcoming—and at length judges could not be found; the screw and the crucible were applied in vain; torture, which was alike applied to the prisoner and the witness, had failed altogether; and the whole code was at length altered. He should detain the House no longer than by adding his firm conviction, that at present there was a prevalence of crime in England which was an evil of the first magnitude: coupled with this was his conviction, that the remedy was not hopeless. They had it in their own hands; and he believed they would most efficaciously secure it by pledging themselves to his hon. and learned friend's motion.

Mr. *Courtenay* said, that though he concurred in the general principles laid down by his hon. and learned friend, he could not accede to the resolution. Nothing could be more improper than to set the public mind afloat on the subject for six or twelve months, without doing any thing for so long a period to remedy the evil. As there was a committee now sitting, whose labours were directed to that end, he did not see how the House could come to any resolution which imputed neglect. The present proposition would not advance the practical reform of our criminal code, and therefore if the question was pressed to a division, he should vote against it.

Mr. Secretary *Peel* said, that he concurred in what had been stated with respect to the committee for the reformation of prison discipline. Their exertions were above all praise, being dictated by the soundest policy, and likely to lead to the most beneficial results. It was his intention, on Friday next, to submit to the House a bill which went to provide for the regulation of prison discipline. Was it possible, then, for him to support a measure which was to pledge the House to take into its consideration a subject, which had been already delayed too long? The question of transportation was one which presented many difficulties. As it would, however, be materially affected by the forthcoming bill for the improvement of prison discipline, he should refrain from saying any thing about it at present. He also concurred in the propriety of adopting a vigorous system of police. God forbid that he should mean to countenance a system of espionage; but a vigorous preventive police, consistent with the free principles of our free constitution, was an object which he did not despair of seeing accomplished. He was equally unwilling to postpone that subject till the next session. It was his intention to introduce a plan for making the experiment upon a small scale. Something should be done with respect to transportation, but he would wait for the report of the gentleman who was sent to New South Wales. He would here mention one scheme which had suggested itself to his mind, and which might lay the foundation of a new mode of punishment, free from many of the objections to the present system of transportation, and combining with it hard labour. The experiment in question would be of this kind; namely, to send to Bermuda a certain number of convicts to be employed on the public works now carrying on there, taking securities that at the same time that such employment should be provided, their moral discipline should be properly attended to. This was a mode of punishment, which, inasmuch as it combined removal with hard labour, might be assimilated to that of the hulks at home. As to the general principle and wording of the motion, he concurred in the objections which had been taken by his hon. friend. When, in the course of the next session, the hon. and learned gentleman should feel disposed to take up the subject in detail, he should not find in him a predetermined opponent.

Mr. *Wynn* earnestly recommended the hon. and learned gentleman to withdraw his motion; at all events in its present form.

Sir *J. Mackintosh* said, he would have no hesitation to adopt the suggestion of his right hon. friend, if he did not feel it necessary to retain that part of his resolution which went to pledge the House to adopt measures for increasing the efficacy of the criminal law by mitigating its rigour. The resolution pledged the House to no principles but those which they had session after session recognized, therefore no injury could possibly follow the adoption of his resolution. By entertaining it, the House would give a proof of their intention seriously to adopt measures for the amendment of the criminal code. They would thus invite persons of knowledge and experience to lay their sentiments upon the subject before parliament. The resolution would, in fact, serve as a notice, as well to the profession of the law, as to all others, to supply that House

with all the information they could impart on a question which required all the wisdom, the learning, and ability of the nation.

The question was then proposed, "That this House will, at an early period of the next session of parliament, take into their most serious consideration, the means of increasing the efficacy of the criminal laws, by abating their undue rigour," and the previous question being put, "That the question be now put," the House divided: Ayes, 117; Noes, 101. Majority in favour of sir J. Mackintosh's motion, 16. Loud cheering followed the announcement of the numbers.

HOUSE OF COMMONS.

Wednesday, June 5.

ALIENS REGULATION BILL.] Mr. Secretary *Peel* rose for the purpose of moving, that the powers of the Alien act should be intrusted to the executive government for a period of two years longer. Even those who differed from him in opinion, would admit that he opened the question fairly, if he touched, first, upon the nature of the danger to which he proposed to apply a remedy; next, the character and extent of the remedy itself; and lastly, the various objections which, upon general principles of policy or apprehensions from abuse of power, might be started against the remedy. To begin, then, with the nature of the evil against which they had to provide. He recollected that he was proposing the continuance of an Alien bill at a time when the country had been seven years at peace, and after a declaration from the sovereign, that he continued to receive assurances of the favourable disposition of foreign powers. But every man who looked back to the events of the late war, the circumstances of the contest, and to the principles which had produced it—every one who dwelt upon the consequences by which that war had been attended—must admit, that it was not the mere signature of a treaty of peace, nor even the duration of a peace for seven years, that could extinguish the principles which had led to the tumult, or conciliate the various interests which had taken part in it. He denied that to provide a corrective for such an evil, was any imputation on the character of those relations of amity in which this country was bound with the other states of Europe. It was also to be recollected that, within the last two years, revolutions had taken place in some countries, and attempts at revolution had been made in others, through the agency of secret societies, and the instrumentality of the military force. Conspiracies had been formed even where no act of resistance had taken place, which had been put down by the strength of government. He did not advert to these events with a view of pronouncing any opinion as to their character, his object was, to impress upon the House that such a state of things could not exist without reviving those very principles which characterised the late war, and without producing that very re-action that, if successful, would unsettle the pacific relations of Europe. The effect of these events, however, was the expatriation of many of the most active agents in these revolutions and conspiracies. They fled from their respective countries, and though the government of this country was armed with an Alien act, and though many of these persons sought a refuge here, in no single case was the asylum of our shores denied to them. No matter what was the part they had taken—no matter the tone or tendency of their principles—no matter what their crimes against their own governments—on the part of this country there existed the disposition to grant an oblivion of the past. Even in cases where informalities arose which might have produced some embarrassments, he could appeal to hon. members in his eye, whether the uniform inclination of the government was not, to avail itself of any advantage? That character for hospitality of which this country was so justly proud had never been forfeited. When the law was executed against one individual (general Gourgaud), it was, because it was well known that he was endeavouring to make this country the theatre of his cabals. There had not been a conspiracy nor a revolutionary attempt for the last two years, but had thrown some persons into this country. Instead of the Alien bill operating as a terror to foreigners, the number of aliens had increased since its enactment. In 1818, there had been 22,000 aliens in the country: in the present year the number exceeded 25,000. In 1819, the increase of arrivals above departures had been 266; in the five expired months of the present year alone, the increase had been no less than 655. It was im-

possible to avoid inferring from these facts that the Alien bill had not prevented the resort of foreigners to this country. He hoped he should not now be met with the argument, that the increased number of aliens formed an increased reason for withholding the powers of the bill. If power over an increased number of persons was to be called an increased power, then, had the number of aliens diminished instead of increased, he might have made an argument upon that diminution of power in favour of his measure; but it would be most unfair to convert a proof of the lenity with which the act had been used into a plea for continuing to intrust government with its powers. Under this bill, then, we secured to the foreigner who sought an asylum in this country an oblivion of the past. We had a right to say to aliens, "You shall not abuse the hospitality of these realms, you shall not desecrate the sanctuary you have chosen, by making it the scene of conspiracies and cabals." For it would be in the highest degree unjust, to suffer this country to become the resort of all those who should be disposed to enter into plots against the peace of states with which we were in amity. If the present Alien act was permitted to expire, such, he averred on the responsibility of a minister, would be the case. It was with a view to a particular evil that he recommended the measure in question. He could assure the House that in bringing it forward he was biassed by no partiality or prejudice, and that he founded it not on any vague surmise. Still less was he influenced by any suggestions from foreign courts. No; it was as secretary for the home department, and by virtue of that office alone, that he should now submit to parliament the expediency of renewing those powers under which the admission of foreigners to this country had been regulated since the peace. With regard to the nature and extent of its remedial influence, he was utterly at a loss to discover what there was about it to challenge so determined an opposition as there was reason to apprehend. One of the provisions of the bill required from every foreigner landing in this country a statement of his rank and situation in life, and in default of such communication imposed a penalty on the master in whose vessel he arrived. The more material, however, indisputably, was that conferring on the Crown a power to direct by proclamation, or order in council, any foreigner to quit the kingdom. In case of disobedience, he was at first subjected to a small penalty, still retaining a right of appealing to the council, after which he might, if he gave no satisfactory explanation, be at once removed. An hon. and learned gentleman (sir J. Mackintosh) had the night before attempted to create an unfavourable impression against this proceeding, by a reference to Magna Charta. Just so it had been usual to allude to the policy of queen Elizabeth, and of states placed in circumstances altogether different. Now, any individual who listened to the learned gentleman, and did not happen to be familiar with Magna Charta, must conceive that the admission of foreigners to our shores was established in it as a ruling principle, according to which the right could neither be limited nor withheld. On examining it, however, there appeared no such variance between its authority and measures of a more recent date. He found in it, indeed, but one enactment that at all respected strangers; and this, by the exception accompanying it, proved to be far from a general or permanent regulation: "Omnes mercatores habeant salvum et securum conductum, exire, et venire, ad emendum vel vendendum," &c. But it was also provided, that in the event of war, the merchants of the country with which we had commenced hostilities, should in the first instance be attached, and kept in custody till it was seen in what manner our own merchants were treated by their government. It was also worthy of remark that the enactment to which he had alluded, contained the phrase "nisi antea publice prohibiti," or unless the king in council prohibited them. As to the conduct of queen Elizabeth, and the policy subsequently adopted by this country on the revocation of the edict of Nantes, the periods of those events bore no resemblance to the present. When Elizabeth, in another part of her reign, was surrounded by different circumstances, she, probably recollecting the expression "nisi antea prohibiti," pursued a course wholly unlike what had been so loudly commended. In the council-register of her reign might be seen copies of directions issued to bishops, to the master of the rolls, and to two aldermen of London, that all foreigners not belonging to any church or congregation should be ordered presently to avoid

the kingdom. But in order to fortify his argument, he might here allude to a bill lately presented by a learned member (Mr. Scarlett), a gentleman of high reputation in the courts, and who might be considered as the model of a Whig lawyer. He meant the allusion merely by way of precedent, not as a reflection in any point of view, though he hoped it might serve as an instance that gentlemen on the other side, whatever were their political opinions, did not when they sat down seriously to remedy a grievance think of referring to all the ordinances or principles of Magna Charta. The learned gentleman had recently introduced a bill for the more effectual removal of the poor, and this bill enacted that a single justice before whom a pauper should be convicted of leading a disorderly life, might have the power of committing him to the House of Correction, there to be kept to hard labour for a time not yet specified. Now, he was far from censuring this provision; but how did it accord with the well-known declaration of Magna Charta—"Nullus liber homo capiatur vel imprisonetur nisi per judicium parium suorum?" It could not be denied that all power was liable to some abuse; but the experience of seven years went to show, that the proposed measure was as little likely as any to produce it. Returns had been laid before the House, showing that the powers with which it invested government had been exercised but in four instances, since the year 1815. Doubtless this was not a complete justification; but it at least afforded a presumption, that the continuance of those powers would not lead to any practical inconvenience. If it were said, that there was no guarding against the abuses of subordinate agents, he would undertake to assure the House, that subordinate agents should never exercise these powers. He did not consider that foreigners were in any real danger of suffering injustice by the effect of malignant insinuations on the mind of a secretary of state, nor had the conduct of the British government hitherto been such as to afford an example to the detriment of our countrymen resident in foreign states. He pledged himself, on his responsibility, to a just exercise of the powers in question. He believed it to be a measure of lenity and moderation. He certainly did not undervalue the opposition it might encounter, but he had rather submit to any inconvenience or unpopularity than carry about with him during the recess, the heart-sickening consciousness that from the dread of these, he had been deterred from bringing forward a measure which he believed essential to our security. He concluded by moving, "That leave be given to bring in a Bill to continue the Act for establishing Regulations respecting Aliens arriving in, or resident in this kingdom in certain cases."

Sir *J. Mackintosh* observed, that he had felt the deepest anxiety and alarm on hearing that it was in contemplation to propose a renewal of the present measure. It could not but produce the deepest feeling of melancholy to find principles such as those proclaimed by the right hon. gentleman avowed to a House of Commons, or to any assembly of men accustomed to a free government. It was lamentable to find them made the ground of a legislative proceeding, by a minister of great talents, and of high character. The right hon. gentleman was thus furnishing them, not with an auspicious sample of the future benefits to be expected from his career, but marking the outset of an administration which would probably last longer than he (sir J. M.) should live, by an assertion of principles that, if pushed to their legitimate consequences, would subvert every law and every security which we now enjoyed. What was the tenour of this proceeding? It vested in the government a direct and absolute power of banishing from the home of their choice, from the conduct of their affairs, and perhaps from the seat of their fortunes, 25,000 individuals. This bill, too, was to be passed on the assurance of a secretary of state, that he would only exercise this absolute power in cases where it should be necessary and expedient. Gracious God! had it not been said that ship-money was so moderate, that although levied by the mere authority of the king, no real grievance or oppression was likely to arise from it? The very same arguments had been urged in defence of that iniquitous imposition, which were now advanced by the right hon. gentleman, and which would go to destroy every right that had been acquired for us in a lapse of ages. The right hon. gentleman tendered his responsibility; and, relying on this, they were invited to surrender principles which their forefathers had maintained and established with their blood. When

lord Strafford, who, though a guilty man, was illegally condemned, was, among the other grounds of his impeachment, charged with having advised in council the bringing an army over from Ireland, to enforce the king's proclamations in this country, it was represented on the other side, that the only object was, to preserve tranquillity, to enforce the laws, to defend juries, and to maintain public peace against the Pyms and the Hampdens of their country's liberties at that period. The number of foreigners now in this country, and necessarily claiming our protection, was supposed to be, about 25,000. If, prior to 1793, a single alien had been apprehended, and taken by a king's messenger to Dover, in order to be sent out of the country, he would have had his action against the authority under which he had been so treated. And, if that was the case with respect to one individual, at the period he alluded to, what would have been thought at that period of a minister of the Crown, if he had asked parliament, merely on the ground that the residence of such an alien might by possibility be converted into the means of conspiring against a foreign power, to pass a bill of pains and penalties against any single alien, subjecting him, at the arbitrary discretion of government, to exile from this country, and to a deprivation of the legal protection which, until that time, he had enjoyed? And yet, the only difference between such a supposed case and the present was, that the right hon. gentleman at present proposed a bill of pains and penalties against no less than 25,000 British subjects (for so they were while they remained in this country), depriving them of their legal rights, and subjecting them to exile, simply on the assertion of a minister of the Crown, that there was a certain degree of danger in permitting them to continue to enjoy those rights, that no abuse had heretofore taken place in the exercise of the required power, and that he would take care there should be no abuse in future, either on his own part, or on that of the subordinate agents employed. To what did that assertion amount? He never did believe there was any danger that a minister of the Crown in this country would intentionally exercise the power vested in government by the Alien act, in a maner unjust towards any alien. But there was infinite danger that a minister might be imposed upon by false and malicious tales, introduced in so plausible a shape by the enemies of a poor alien, that it would be impossible for him to guard against the deception. The right hon. gentleman had said, that a great many aliens resided in this country; that very few had been sent away; and therefore that the bill could not be injurious. To what did that argument amount? That it was of no moment to those persons if their residence in this country was a matter of sufferance, or a matter of right. That it was of no moment to them whether they owed their freedom from disturbance to the will and the generosity of a minister of the Crown, or to the shield which the law threw over them. That was the pure doctrine of despotism. He by no means attributed any intention of inculcating despotic doctrines to the right hon. gentleman, but such was in fact the character of his argument. The doctrine of liberty was, that to live by law was necessary to happiness; the doctrine of despotism was, that to depend on the will of government was not destructive of happiness. The argument of the right hon. gentleman was an outrage and a libel on the constitutional principles of this country. It was in direct contradiction to that of an illustrious writer, Hooker, the ornament of the reign of Elizabeth, no friend to anarchy, but the determined supporter of rational freedom. That illustrious writer declared, that "to live by one man's will was found to be the cause of many men's misery;" and why had Hooker given this opinion? Not because the will of the one man was always exercised against those who lived under it, but because it was always precarious. This was his objection to the Alien bill. It was not because he thought it would be put in force against those foreigners who might live in this country, but because he was unwilling to see 25,000 individuals coming here like beggars, and existing here only by the will of a minister. But, according to the doctrine of the right hon. gentleman, it was a matter of indifference whether that large body of men resided here by law, or merely by the generosity of a secretary of state. It just made to the alien the difference between Turkey and England, between Middlesex and Morocco, between liberty and slavery. Could the right hon. gentleman deny, that his bill would have this effect to the foreigner? Would it

not render his residence here, as precarious as in the most despotic country in Europe?—But it was asked in a tone of confidence, can we allow that foreigners shall come and make this capital the seat of conspiracies against foreign governments? In order to see the force of this argument, it would be necessary to inquire what were the advantages which this capital possessed, for carrying on a conspiracy against a foreign government; and what were the governments against which such conspiracies might be excited? He would suppose that a body of Neapolitans had taken refuge in this country from the barbarians who had taken possession of their beautiful country. Was London the place where they could be most likely to act with effect to rescue Naples or Milan, or Turin, from the dominion of foreign bayonets? Could they raise regiments here, or send ships to the aid of their suffering country? If any conspiracy were in contemplation, he could hardly suppose a worse place for carrying it on with effect than London. —But the right hon. gentleman said, that as long as these things lasted, it would be necessary to continue the present measure. Did he mean to assert, that such conspiracies, or a danger of them, existed, or was it to be understood that the Alien bill was to be perpetual? He feared the latter was intended, when he heard the right hon. gentleman say, that it would be justified by a "temporary or permanent emergency." For his own part, he could not well understand the meaning of the term "permanent emergency." He could only suppose that a residence of six years in another part of the kingdom had created a slight confusion of ideas which caused him to mix up terms so different. Or, perhaps, intending the measure to be perpetual, and the whole of his arguments going that way, the word "permanent" naturally shot across his imagination, and he applied it to what he called the "emergency", on which he rested the bill at present. His argument was, that as long as refugees came from foreign countries to seek an asylum here—no matter from what cause, whether good or bad—so long should a bill of this kind continue; but when the causes for such refuge ceased, then the bill might be repealed. That was, as long as the persecuted and afflicted of other nations had need of an asylum on our shores, so long should our ports be closed against them; but, the moment that general content and satisfaction existed in every country—the moment that the harmony of Paradise was established on earth, and that the men of other nations no longer sought or required our protection, then our gates should be thrown open, free as the air of heaven, and admission be given to those who on their knees should come and ask it. What was this but a hypocritical cant, of affecting to proffer assistance where none could be required, and denying it where it was most wanted.—The right hon. gentleman had gone back to other ages for precedents. Now he would request him to transport himself for a moment to the first year of the reign of James 2nd, when by the revocation of the edict of Nantes, 50,000 unhappy Protestants, subjects of France, sought an asylum in this country: let him suppose, that the minister of that day, lord Preston, had come down to the House and demanded an Alien bill. What would have been his language? It would be something of this sort. "The king, my master, has afforded abundant proofs of his hospitality towards these unfortunate persons. Although differing from him in religion, he has ordered collections to be made for them. It is evident, therefore, that he wishes for the power which I now require, not for the purpose of abusing it, but because he is desirous to possess the means of preventing the discontented subjects of his great and powerful neighbour from conspiring against their sovereign, and thereby involving his majesty in a war with France. His majesty pledges himself never to abuse this power; I, lord Preston, his majesty's secretary of state, promise never to abuse this power. I also pledge myself never to allow it to be abused by any subordinate agents, but to take care that it shall always be employed with the utmost moderation, and with a strict attention to justice?" Suppose lord Preston had used such an argument in favour of an Alien bill, would it not have been as specious and as reasonable as that which the House had that night heard from a minister of a prince of the House of Brunswick? The right hon. gentleman had alluded to the reign of Elizabeth, and had quoted the order in council of that reign directed to two aldermen in London, commanding them to order all foreigners belonging to no congregation presently to avoid the kingdom. He should not be disposed to place much

reliance on the authority of precedents from the reign of Elizabeth. He remembered that in the other House of Parliament, in 1816, an order of Elizabeth, authorising the banishment of Scotchmen from England, was quoted in support of an Alien bill then in progress; and it was on two subsequent occasions quoted in the House of Commons for a similar purpose; but it appeared on examination, that this was founded on an act of Henry 7th, enabling the Crown to banish Scotchmen from England, but which was afterwards repealed by the act of Union with Scotland. After having heard this quoted in support of three Alien bills, and finally destroyed, he was not disposed to place much reliance on authorities from the reign of Elizabeth. The argument which the right hon. gentleman had founded upon the meaning of the words "*nisi publice prohibiti*," he would leave him to settle with sir E. Coke, who had distinctly stated that the meaning of those words was, "unless prohibited by act of parliament." The right hon. gentleman had contended, that the clause of Magna Charta extended to merchants only; but let the House look to the state of society at the period when Magna Charta was signed. There were at that time no travellers but merchants. They were almost the only persons who visited foreign countries; and the clause which alluded to them went to the greater part of the foreigners who visited this country. But the right hon. gentleman had talked of the treatment of merchants. It was true, that by the law of nations one country might retaliate the treatment which its subjects had met from another state; but it was said we did not retaliate after the peace of Amiens, the treatment which the subjects of England had experienced in France. He should be ashamed of his country if it had so disgraced itself; and should consider himself a traitor to the honour of his country, if he took praise to her for an act of common humanity.

Mr. *H. Twiss* contended, that the right of excluding strangers was one inherent in every state, and that its exercise ought not to be considered an act of injustice. A country which tolerated the residence of foreigners within its territories had a right to say, "You shall be treated as our subjects, as far as the protection of our laws goes; but we will consider you only as tenants at will, and you must depart whenever we think proper to give you notice to quit." His learned friend had talked of the practice of ancient times; but he was prepared to maintain, that the practice of every period of our history was in perfect accordance with the principles of this bill. At the time of Magna Charta, foreign merchants trading to England were subject to the most grievous exactions. The barons, who had got a taste for foreign luxuries, were naturally anxious that the merchants who introduced them should not be exposed to too great extortion, and therefore they introduced that clause which authorized them to come and tarry in this country, unless publicly prohibited. A residence at will in this country was never the right of any but British subjects. It would be found, that a variety of strong enactments had passed against aliens at different times. It was well known that an alien could not buy an estate in this country; or if he did, it became immediately forfeited to the Crown. For a long time after the Conquest an alien could not rent a house in England; and even now he could not, except he was a merchant, and rented it for the purpose of his business: nor could an alien merchant hold a lease even of the house or shop in which his business was carried on: so jealous were our ancestors of giving to foreigners any permanent establishment in the country. If a British subject chose to leave the country, the king had a right to prevent him. If he had left it, and was resident abroad, he might be recalled; but an alien might go when he pleased, and when gone, he could not be recalled. The only power which the state exercised, and which by this bill could be exercised over him, was, to send him away whenever his residence here might be considered dangerous to the country. This, he contended, was a power which every state did, and ought to possess, over the subjects of another, resident within its territories. His learned friend had stated, that the object of this bill was, to gratify the rulers of foreign states, by excluding their obnoxious subjects from the protection of this country. Now, he must beg leave to differ altogether from his learned friend upon that point: though he should wish to know where was the immense evil, even supposing the case to be as he had stated it. Were not the parties to whom his learned friend alluded, known to be men of a sullen, factious, and turbulent spirit, discontented with the present order of things,

upon the continent, and anxious to disturb the tranquillity which at present fortunately prevailed there? The great desideratum with men of such a temper was, to find a place in which they might mature their projects in secrecy and safety; and if this country, from its insular situation, its readiness to give credit, its free press, and the unbounded licentiousness in which that press indulged, afforded them such a place as they wished for, surely it was not altogether improper to arm the executive with such power as would prevent them from plunging it into war with states with whom it had no legitimate cause of quarrel. They had also been told, that this measure was now improper, inasmuch as it was originally passed as a war measure. He allowed such to have been the case; but if hon. gentlemen would compare the present bill with the original war measure, they would find all the severity and harshness of it omitted. But, were gentlemen ready to contend, that the Alien bill ought to be abandoned altogether? If they were, he would ask them on what grounds they were prepared to state that discontent had vanished from Europe? Did they think that, because the waters were now smooth, all the force of the tempest was spent; and that because the air was at present still, all the materials of confusion had been banished from the elements? If such were their opinions, they were indulging themselves in a flattering error. The learned gentleman concluded by giving his support to the bill.

Sir *R. Wilson* said, that though the right hon. secretary had taken upon himself the responsibility of the proposed measure, he must still consider it the work of the noble marquis who had taken so active a part in recent proceedings on the continent. It had been well said, that in the seventh year of peace we had a right to expect a discontinuance of this disgraceful measure. But what was the fact? The present bill, the baneful effects of which had been already so fully felt, and so ably described, was pressed forward for the purpose of meeting the views of those continental powers, who were confederated together to impede the progress of knowledge, and to retard the march of freedom. The bill bore upon its face the signet of the autocrats of Europe. This was not an English measure. Since England was England, we never had excluded foreigners from our shores, until our recent continental connections. The right hon. secretary had stated, that it was a part of the prerogative of the Crown to send foreigners from our shores. If this was so, let it be proved; and then where would be the necessity of this bill? It could not be denied, that this measure arose out of our continental relations; and the noble marquis had disgraced this country by connecting us with the police establishments of the continent. It had been urged, that only two foreigners had been sent out of the country since 1820; but supposing a single person had not been removed, still the constitutional objections to the measure must remain the same. It was a bill held in terrorem over the heads of all foreigners, either in, or likely to come into, this country. It had been urged that no oppression had been exercised under this bill. Let it be remembered that arbitrary power was never exercised with severity, until its possessors felt themselves secure. Without casting any imputation on the right hon. secretary, he could not help observing, that he appeared to desire this power, in order to show with how much forbearance, he would exercise it, upon the principle of the school maxim—"qui nolunt occidere quemquam posse volunt." He implored the House not to sanction a measure hatched and fostered in the sanguinary and bigoted despotisms of the continent.

Mr. *Scarlett* said, that upon the occasion when this bill was last granted by the House, he trusted that it would be the last time that so odious and unnecessary a measure would be demanded of it. The idea that a body of foreigners could revolutionize a people so exclusively national as were the people of this kingdom, though it was sometimes urged as a pretext for the continuance of this tyrannical measure, was an idea too puerile and absurd to deserve any formal refutation. The bill was attempted to be defended by precedents; but supposing those precedents to be correctly stated, they were taken from barbarous periods of our history, and ought to be avoided rather than imitated. He was surprised that any member of the legal profession could come forward in defence of this bill. He had hoped that, whatever indifference might be felt upon constitutional points in other parts of the community, it would not be shared by gentlemen who made the law a study and profession. As to offer any farther arguments upon this

question would be quite superfluous, he should content himself with giving a decided negative to this unjust, tyrannical, and unnecessary bill.

Mr. Serjeant *Onslow* said, that not concurring in the opinion of the gentlemen opposite, that this bill was dangerous to the liberties of England, or unfriendly to the hospitable consideration due to foreigners, it should have his support. Notwithstanding the denunciations of the gentlemen opposite, the people of England had manifested no hostility to the measure.

Mr. *Denman* said, he would give the bill in every stage, his unqualified opposition. One great and important question had been repeatedly put to ministers, and, had invariably been left unanswered; namely, where was the proof of the necessity of the bill? The call remained unanswered, and the necessity of the bill still rested upon the mere statement of the right hon. secretary. That right hon. gentleman had spoken as if he were alone the responsible administrator of the measure, and had forgotten that the whole of the three secretaries were equally invested with the powers it conferred. It was urged that there were only four cases in which this power had been recently exercised. But how did the House know the facts of these four cases? How did the right hon. secretary himself attain the information respecting them? He must entirely depend upon others, which was the evil of a measure, executed by a secret power, called into action by secret spies, and, in the whole of its progress, worked by clandestine machinery. The right hon. gentleman had made a strong appeal to the House to intrust him upon his own responsibility with this bill. To such an appeal, he was compelled to reply, that it was a strong objection to the fitness of any man for office that he commenced his career by wishing to be invested with such a power. He wished, indeed, to have known the right hon. gentleman's official career in Ireland connected with some wiser and better act than the suspension of the trial by jury; and he should have been better pleased to have seen him open his official career in England, without calling upon parliament to intrust him with such a measure as this. It gave him the deepest concern to have heard the free provisions of Magna Charta decried and depreciated in a British House of Commons. Notwithstanding the neglect of this now, it would seem, obsolete charter, he would not hesitate to avow that he preferred the old law of England to the new, and was prepared to contrast, with some degree of humiliation, the hospitable securities of Magna Charta with the fatal provisions of this bill. The old law protected the foreign merchant according to the old and rightful customs of England, at the same time making due and provident precaution in a season of war, to prevent that protection from being abused. The new law proscribed the foreign merchant, and refused him an asylum upon the shores of England. And was it in the eighth year of peace that in this country, "the eldest born of freedom," a minister of the Crown, should call, upon his own responsibility, for the enactment of this obnoxious and most dangerous law? It was with pain and mortification that he had heard the declarations which accompanied the support of this measure. With what other sensations could the subjects of a free country hear the struggles of freemen in other parts of the world compared to the machinations of conspirators against the lawful authorities whom they were bound to obey? Thus, the struggle for liberty in Spain, the efforts in Portugal, the success of what were called the revolted colonies, were alike denominated the intrigues of conspirators; and the House was told, that some of the parties engaged in them had been received, or rather suffered to reside in England, with an oblivion of their crimes? Of what crimes?—the unforgiven crime of having fought for the liberties of their country. Ministers took praise to themselves for having, as it were, passed an act of amnesty for such criminals—for having pardoned, forsooth, those glorious martyrs in the cause of universal liberty—a liberty founded, too, upon a kingly basis, and a constitutional government—acquired, not, as was too often the case when the oppressed had to rise against the oppressor, by secret conspiracies and fell means, but by an open, manly, and determined avowal that the people would no longer endure the tyranny which had so long scourged them. These were the conspirators towards whom his majesty's ministers boasted they had held out a free pardon; and the very tone and temper in which their description was drawn was sufficient to show the uses that would be made of this bill. He hoped the voice and spirit of the country would be raised

against so odious a measure; for the people of England could never forget, that though, in the present case, it was only called for to oppress persecuted and unprotected foreigners, the example might hereafter be adduced for the application of a similar engine to the destruction of their own liberties.

The Marquis of *Londonderry* said, he rose not for the purpose of travelling over again the same arguments which had been so forcibly adduced by his right hon. friend, but to protest against its being understood that he supported the bill upon any of the obnoxious grounds which it was convenient for gentlemen opposite to assume were the motives influencing that support. An hon. and learned gentleman (sir J. Mackintosh) had said, that he listened with sorrow and humiliation to the speech of his right hon. friend, and that he felt some alarm at seeing the dawn of his public life clouded by such a bill as this. The learned gentleman might express, if he pleased, these feelings of alarm; but he (lord L.), so far from participating with him in his view of that speech, saw nothing but a subject of congratulation at the prospect it held out of long and able and efficient services in the cause of the country. His right hon. friend had in that powerful speech, disclosed a character and a capability to exalt the liberties of his country, and to establish them upon a firm basis. He did not, indeed, like the gentlemen opposite, pursue a phantom and call it liberty, in the absence of all the qualifications belonging to real, rational liberty—a mock liberty, reared in the midst of bloodshed, and founded upon the ruins of empires. His right hon. friend understood liberty better. He understood it as he found it, as in England, raised upon a basis of internal tranquillity, and only secure and durable so long as it was allied with order and peace. For this country could not hope for tranquillity, nor deserve it, if it suffered its noble soil to become a public nuisance to Europe. The gentlemen opposite seemed to think that the larger the crop that could be collected from the malcontents of Europe, and deposited in England, the better. He thought differently. He would treat foreigners as he would treat the petitions of the people. He would throw open their doors widely for the reception of the petitions of the people. So would he the shores of England for the hospitable reception of foreigners. But if there were those among the petitioners who came to insult the House, or those among the foreigners who came here to work their conspiracies, he would make the conspirator and the insulter both feel, that, notwithstanding the characters which they thought proper to assume, they were not equal to the power of parliament, or the arm of the executive government. His right hon. friend had made out the strongest case. We lived among the ruins of empires, and until those countries so strongly alluded to, assumed another appearance than that which they now presented, he could not feel that high respect for them which others were so ready to express. He protested against the notion that the present measure had grown out of any understanding with foreign powers. So far from that being the case, the foreign powers understood that no such law could be adopted for their convenience.—If they entertained any doubt of it before, the discussions in that House must have placed it beyond all doubt. At the same time, he had no hesitation in saying, that foreign powers would have a right to complain, if persons engaged in conspiracies against them found an asylum in this country. If the House were of opinion that the measure grew out of any arrangement with foreign countries, he would call upon them to vote against it; but he would entreat them not to be led away by general declamations upon liberty, and high sounding appeals, which had no reference to the question. For the present, he should content himself with protesting against the supposition, that the measure arose out of any understanding with foreign powers; and though it must be painful to the House, to travel over the same ground as often as appeared to be intended, he would engage to give his opponents speech for speech, and argument for argument, in the progress of the discussions.

Sir *John Newport* said, that the noble marquis had asserted, that no argument had been adduced against the bill. He would tell the noble lord, that when a measure was introduced to take away a part of the liberties of the people, on those who introduced it, lay the burthen of the proof.—He denied absolutely that the right hon. secretary had given any reason for the bill. He had introduced it on his mere assertion, that it was ne-

cessary, and that the power should be exercised with caution. He (sir J. N.) would not devolve such confidence on any man; he would have better security than the word of any minister.

Lord *Stanley* could not be silent when he heard a minister of the Crown characterise the people of England as a nuisance to the rest of Europe. Where were refugees now to look for shelter? The creed which he had imbibed with his mother's milk, was this—that to the distressed and the persecuted of all the world, England was the land of protection.

The Marquis of *Londonderry* said, his argument was, that if England permitted the free ingress of foreign conspirators and agitators, she would absolutely become a nuisance to all Europe.

Lord *A. Hamilton* said, that if the bill was passed at all, it should be only for one year; but for himself, proposed as it was for no British purposes, he would not consent to its passing even for a month.

Mr. Secretary *Peel* said, that a learned gentleman (Mr. Denman) had declared, that he (Mr. Peel) was indebted to the other side of the House for the candour and forbearance he had experienced at their hands. Of any want of candour and forbearance on the part of those hon. gentlemen, he never complained. But, what did the terms amount to, as they were explained by the learned gentleman? Why, to this—that he was indebted to their candour and forbearance for not having attacked him for his junction with his majesty's government. He must tell that learned gentleman, that there was nothing he deprecated so much as his charity; that he defied his scrutiny; that he was not afraid of his accusation. If that learned gentleman thought that he was awaiting his accusation, "with bated breath and whispering humbleness," he was very much deceived. He challenged him to bring forward the accusation which he insinuated he had in his pocket, but would not promulge. His motives in accepting office were as pure as those which had actuated the learned gentleman in doing so. He had been connected with the present government ever since his first appearance in public life. He was secretary to the lord lieutenant of Ireland—a post which he quitted earlier than he could have wished. As to his subsequent connexion with government, it arose not out of his own solicitation. Excepting on one great question, upon which he had the misfortune to differ with ministers, he had never acted against them.

The House divided: Ayes, 189; Noes, 92. The bill was then brought in, and read a first time.

HOUSE OF LORDS.

Friday, June 7.

BISHOP OF PETERBOROUGH'S EXAMINATION QUESTIONS.] Lord *Dacre* rose with reluctance, to present a petition to their lordships, as it was directed against a person, whose character for piety and learning was eminent. After the petition should be read by the clerk, he would move that it be laid on the table. If their lordships agreed to that motion, he would follow it up by moving an address to the Crown. Their lordships were not ignorant of the nature of this case, as it had been before the House in the course of the last session. [See Vol. 5, p. 1166.] He must here observe, that if the right reverend prelate had thought fit to act consistently either with the statute law or the canon law, he would not have given occasion to the present complaint. But the right rev. prelate, not satisfied with the 87 questions, answers to which he originally required from all persons before he licensed them, had since added 36, making 123 intricate questions on points of doctrine propounded to the petitioner. The petitioner complained of this demand, considering himself only bound to declare his belief in the 39 articles. He should now beg leave to present the petition of the Rev. Thomas Shuttleworth Grimshaw, rector of Burton Latimer. [The petition was then read. It stated that the petitioner had appointed the rev. Edward Thurtell curate of Burton, and complained that the bishop had refused to license him on the ground of his not giving satisfactory answers to his questions.] The subject of complaint was chiefly this—that persons who had received holy orders were compelled to submit to an examination of a very extraordinary nature before they could be licensed to curacies in the diocese of Peterborough. The questions of the right rev. prelate were delivered to the candidates printed. The candidate was expected to annex his answer to each question, and then sign the paper; but the questions were printed in so contracted a manner,

that they could only be replied to in the most brief manner possible. On Mr. Thurtell's appointment, the questions were sent to him, enclosed in a letter, from the bishop, dated the 3rd of August last. On the 11th, Mr. Thurtell wrote to the right rev. prelate, stating that he had complied with his lordship's request as speedily as possible; that he had considered the questions attentively, and had answered them, he trusted, conscientiously: but that some of the questions involved points of so difficult and delicate a nature, that he felt it impossible to answer them in a satisfactory manner in the column appropriated for that purpose; and that he had therefore deemed it expedient to add an appendix, wherein he had inserted some of the authorities upon which the answers were founded. The right rev. prelate, in return, had written a letter to Mr. Thurtell, dated the 17th of August, in which he says, "The object of my Examination Questions is, to ascertain the religious opinions of the person examined, that I may know whether they accord with the doctrines of the church. For this purpose I want nothing more than short, plain, and positive answers; such are the answers which have been hitherto given to my questions, and such I expect from every one. But instead of giving plain answers to plain questions, you have sent me a mass of dissertation, containing such restrictions and modifications as prevent your real opinions from appearing so plainly as they ought to do." He would not here enter into any discussion on the facility with which answers might be given, farther than to remark, that what the bishop called plain questions involved some of the most intricate and controverted points in theology. But the right rev. prelate proceeded in his letter to insist on his mode of examination, which, he observed, depended entirely upon his own discretion; and he concluded with saying, "I think it right to inform you beforehand, that if you do not choose to conform exactly to the mode prescribed to you, you cannot be licensed." Now, he was ready to admit, that the mode of examination was left to the discretion of the bishop; but then he must contend that the right rev. prelate was, both by the statute and canon law, bound to confine his mode of examination within certain limits. He would not dispute the right of even examining persons removing from one parish to another; but as this sort of examination had not before been practised in the church, the right rev. prelate ought not to have been surprised at finding some hesitation in those who were called upon to submit to it. He would not contend that under the 48th canon such an examination was not within the reach of the right rev. prelate's power. But when spiritual persons removing from one charge to another produced proper testimonials, such a course as that pursued in the diocese of Peterborough was altogether unknown; because it was naturally to be presumed, that such persons had already been sufficiently examined. If their lordships referred to the act of 13th Eliz., they would find that the bishop could only examine the candidate in order to ascertain whether he could explain in Latin an account of his belief in the articles of the church. The canon, in the same manner, requires the candidate to give an account of his faith in Latin, according to the articles. Thus, though the bishop was at liberty to examine on his discretion with respect to the mode, yet he was limited, both by the canon and statute law, as to the object, which was merely to make the candidate give an account of his faith according to the articles. The questions of the right rev. prelate were, however, of a leading nature, and often admitted but of one answer. Indeed, he called upon the candidate to answer them with yes, or no. They were a series of tests, framed for the see of Peterborough, in addition to the 39 articles, which were the only lawful tests. In proof of the latitude of interpretation allowed for the 39 articles, he would quote some of the highest authorities of the church. Bishop Burnet, in his History of the Reformation, book i, part 2, speaking of the form in which the articles of the church had been drawn up by those who framed them, states, that they cut off the errors of popery and anabaptism—" avoiding the niceties of schoolmen, or the peremptoriness of the writers of controversy; leaving, in matters that are more justly controvertible, a liberty to divines to follow their private opinions, without thereby disturbing the peace of the church." Fuller, in his Church History, observes, that the present articles in the main agree with those set forth in Edward 6th's time, but those who drew them up wished to allow more liberty to dissenting judgments. He says, "These holy men did prudently predis-

cover that differences in judgments would unavoidably arise in the church, and were loth to unchurch any, and drive them off from our ecclesiastical communion for such petty differences, which made them pen the articles in comprehensive words, to take in all who, differing in the branches, meet in the root of the same religion." The noble lord then quoted the bishop of Bangor, bishop Horsley, and several other eminent authorities for a wide interpretation of the 39 articles. To these authorities he might add the intention of the persons who established the articles, which appeared from the king's declaration prefixed to them. As it thus appeared that the articles of the Church of England admitted of more than one mode of arriving at belief in them, he must contend that the right rev. prelate was bound to receive every answer by which a candidate could explain his belief according to the articles. The candidate, it appeared, was not admitted to examination until the questions were answered. But if the candidate was ready to account for his faith according to the articles, the right rev. prelate was, according to the statute of Elizabeth, bound to examine him. Their lordships must perceive, that if this course was permitted in one diocese, it might be generalized. Every bishop might have his particular set of questions, and their clergy would be driven to study these papers, in order to discover to what diocese it would be most convenient for them to go. To act on such a system was nothing else than recruiting for dissenters. There would soon be an episcopacy, with questions and articles on one hand, and a dissenting ministry on the other. It was the boast of this country, that there was no wrong for which the law had not a remedy. Was this system of clerical interrogation to form an exception? If there was no remedy in the hands of their lordships, they might at least be the means of procuring redress. The Crown might refer the case to the Convocation, or some other mode of settling the question might be found. Their lordships ought, therefore, to agree to the address he intended to move after the petition was laid on the table. The purport of the address would be, to request that his majesty would be pleased to order an inquiry to be made to ascertain whether any innovations had taken place in church discipline.

The Bishop of *Peterborough* [Dr. Herbert Marsh,] rose and said:*—My Lords;—The question, whether the prayer of this petition shall be granted or not, must chiefly depend on the truth or falsehood of the allegations. The allegations, therefore, shall be distinctly submitted to the consideration of your lordships. But, as some topics have been introduced, to which the allegations do not refer, it is necessary that those topics should be previously examined. The noble lord has stated, and truly stated, that I refused a licence, in the course of last summer, to a person whom the petitioner had nominated to the curacy of Burton Latimer. But the noble lord has not accurately stated the grounds on which the licence was refused; nor was the refusal itself an act of injustice, as must be inferred from the arguments which he has employed. That a bishop is not only authorised but required to examine curates before they are licensed, appears from the 48th canon; and the necessity of such examination appears farther from the terms of a curate's licence, in which a bishop declares that he confides in the "sound doctrine" of the person to whom he grants it. Now, my lords, it would be a perfect anomaly, if they who are entrusted with the duty of examination had not the power of determining the mode of examination. Exercising, therefore, the discretionary power which belongs to examiners in general, I sent to the person, whom the petitioner had nominated, an Examination Paper, containing questions, which I required him to answer. The object of this examination by question and answer, being avowedly to ascertain the religious opinions of the persons examined, the only mode by which that object can be satisfactorily obtained, is by short, plain, and positive answers to the questions proposed. Such answers have been invariably given by the persons, to whom the questions have been proposed during the time that I have employed them in my present diocese. But the petitioner's intended curate departed entirely from the mode prescribed, which no one had attempted beside himself. Instead of giving direct answers to the questions proposed, he answered in so ambiguous and circuitous a manner, that it was im-

* From the original edition printed for F. C. and J. Rivington.

possible to ascertain with any precision what his opinions were. Where I was the most anxious that he should be explicit, he was the most obscure. For the answers to such questions he referred me to an appendix, consisting of ten folio pages, closely written; and this appendix had so many restrictions and reservations, that instead of explaining his opinions, it served only to conceal them. My lords, this was a mockery of examination, and an insult to the bishop who proposed the questions.

Having stated to your lordships in what manner the object of the examination was defeated, I will proceed to the sequel. Being unwilling to reject, without affording the opportunity of a second trial, I sent on the 17th of August 1821, another copy of my questions, which I desired this person to answer in the same direct and positive manner, with which no one had ever refused to comply. And I added, that if he did not choose to conform to that mode, he could not be licensed. My lords, this was no exercise of severity: for the mode prescribed was the only mode by which the object of the examination could be obtained. But in a letter which I received from him on the 30th of August, 1821, he informed me, that he could give no other answers, than those which he had given already, but that, if I wished for more explanation, he was ready to send it. Now, I request your lordships to consider the circumstances under which this offer of additional explanation was made. I had already endured the drudgery of wading through ten folio pages of explanation, which tended rather to conceal, than to explain. Could it be expected then, that I should require more explanation, which would evidently have been of the same description? It would really have been absurd to require it. And as he positively refused to answer in such a manner, as would enable me to say, that I confided in his sound doctrine, I should have subscribed to a falsehood, if I had signed his licence. I refused therefore, what as an honest man I could not grant.

Another topic, to which the noble lord has adverted, is the custom of bringing testimonials, when a curate applies for a licence; which testimonials, if he comes from another diocese, are countersigned by the bishop of that diocese. Such testimonials, as the noble lord contends, imply, that the person, who brings them, has been sufficiently examined already, and therefore ought not to be subjected to any further examination. I cannot mean to offer an affront to any of my right rev. brethren: but where I must take the responsibility on myself, I must be allowed to judge for myself. And after all, my lords, to what do the usual testimonials amount, in reference to doctrine? They are signed by three beneficed clergymen, who state, that "as far as they know and believe," the person who brings them has never taught any thing that is contrary to the doctrine of the established church. And the bishop who countersigns them, states only, that the subscribers are beneficed in his diocese, and worthy of credit. The testimony of the bishop therefore is testimony to the credit of the subscribers. And though no bishop ought to countersign a testimonial, if he knows that the person, in whose favour it was given, really does maintain doctrines which are contrary to those of the church, as he would then declare, that the subscribers were worthy of credit in a case where he himself believed they were not entitled to it, yet where a bishop has not subjected a curate to examination, he must generally depend on the testimony of the subscribers. After all, then, the testimonial which is brought from another diocese, resolves itself generally into the testimony of three beneficed clergymen. And as their testimony to doctrine is matter only of opinion, which unfortunately for the present age is subject to great diversity, the bishop of one diocese offers no affront to the bishop of another diocese, if, notwithstanding the counter-signature of the latter, the former determines to grant no licence, till he is enabled to declare from his own knowledge, that the licensed curate is of sound doctrine.

The remarks, with which I have hitherto detained your lordships, have related to the examination of curates. But though the refusal of a curate's licence gave rise to the petition, the petition extends over a much wider field. It relates to the examinations for holy orders: and the noble lord, who presented it, has himself appealed to the 34th canon, which relates exclusively to candidates for holy orders. From that canon he has argued against the use of those questions, which were originally proposed only to candidates for orders, and are now confined to them again. I shall at present make no remarks

on the noble lord's construction of that canon, as in the answers to the allegations, I shall endeavour to show, that this canon, so far from being an argument against those questions, is authority in their favour. I am now only stating that this petition is directed against the mode of examination which is applied to candidates for holy orders. My lords, since the church has existed, no temporal authority has ever interfered with the rights of bishops to examine candidates for orders according to the mode, which in their opinion is best adapted to the purpose. If your lordships once interfere on this delicate subject, there will be no end to such interference, and a door will be opened to incalculable evil. Every unsuccessful candidate for orders, not only in my diocese, but in every diocese throughout the kingdom, will then think himself at liberty to send a petition to your lordships, complaining of the examination to which he was subjected, and praying your lordships to revise it.

But there is something in the subject matter of my questions, which is thought to render them peculiarly objectionable, and to warrant an interference, which has not been attempted in regard to any other bishop. My lords, I have no concern with the modes of examination adopted by other bishops. I am concerned only with the vindication of my own mode, which has been very improperly termed, an imposition of new articles of faith. I do not deny the assertion of the noble lord, that I propose questions which are technically termed leading questions; but they are not thereby converted into a new standard of faith. The answers, whatever they may be, are tried by the Liturgy and Articles, the standard of our national faith: and that, which is always referred to a standard, cannot be a standard itself. The noble lord has represented the questions as a preliminary test, which candidates for orders must undergo before they are admitted to examination. If questions may be called a test, because the answers to them are tried, I will not dispute about the appellation. But as the answers are tried by no other standard, than the standard of our national faith, they cannot be a test independent of that standard. To the objection, that candidates for orders are tried by these questions, before they are admitted to examination, I must beg permission to answer, that the trial, which they undergo in regard to doctrine is as much a part of their examination, as the trial which they undergo in regard to their proficiency. And if I deem it expedient to examine in doctrine, before I examine in proficiency, it is a matter in which I have an undoubted right to exercise my own discretion.

My lords, I have thus endeavoured to explain to your lordships the course, which I have pursued in the examination of candidates for holy orders. And I hope that the general view which I have taken of the subject, will convince your lordships, that it merits not the censure which has been cast on it. To the particular objections which are made by the petitioner, I shall reply in the examination of the several allegations. I have hitherto adverted only to such topics as were introduced by the noble lord, who presented the petition: but I will now proceed to the allegations, on which the question, whether the prayer of it shall be granted, must chiefly depend.

The first allegation is, "That the lord bishop of Peterborough has for some time introduced into his diocese a new mode of examination, consisting of 87 questions, embracing the minutest modifications of doctrine, and peremptorily requiring all candidates for ordination, and curates applying for a licence, to conform thereto, or to incur the penalty of being rejected." My lords, it is absolutely false, that I propose questions to be answered, on the terms stated in this allegation. Neither in practice nor in principle do I impose such hard conditions. When I was bishop of Landaff, the questions were accompanied with directions for answering them, in which the candidates were cautioned to pay due attention to them, because an unsatisfactory answer (as was there added) "may tend to their exclusion from the sacred office." But as this caution, though never carried into effect, was liable to misrepresentation, I re-printed the questions before I came to Peterborough, and omitted the directions. Every copy, without exception, which has been delivered, either to curates, or to candidates for orders, in the diocese of Peterborough, has been delivered according to the re-printed form, that is, without the directions. Yet the petitioner represents the bishop of Peterborough, as "peremptorily requiring" what he calls a conformity to my questions, "under the penalty

of being rejected." And even the directions, which I gave as bishop of Landaff (with which, however, he has no concern), are grossly misrepresented. I there said, that an unsatisfactory answer "may tend" to exclusion, whereas, according to this allegation, it must tend to exclusion.

The second allegation is, "That to the above 87 questions, his lordship has very recently added 36 more, on one doctrine alone: and that on the same principle the number may be multiplied till there is no limit but the will and pleasure of the diocesan." Here, my lords, is another misrepresentation. Instead of adding, I have subtracted. Instead of adding 36 to 87, I have substituted 36 for 87, namely, in the examination of curates: no alteration having been made in the examination for orders. But let me substitute what I will, it is impossible to please the petitioner, whose objections are, in fact, directed, not against this or that set of questions, but against all questions which relate to doctrine.

The third allegation is, "That such an exercise of authority is unwise in policy, oppressive in principle, and impracticable in its proposed end; exceeding the powers vested in any prelate, calculated to produce a spirit of faction and controversy in the church contrary to the intention and design of the compilers of our articles, and in opposition to the most approved testimonies which are recorded on this subject." My lords, I have already proved, that "such an exercise of authority," as the petitioner imputes to his diocesan, has no other existence than in his own unfounded representation. It is unnecessary, therefore, to examine any of the predicates, which he affirms of such authority.

The fourth allegation is, "That the clergy recognize no standard, to which they are bound to conform, but the 39 articles as by law established." My lords, this allegation is again untrue. Conformity to the liturgy, as by law established, is no less required of the clergy, than conformity to the articles. It is true, that conformity to the liturgy has been understood in a different sense from conformity to the articles. It was understood, for instance, in a different sense, by the clergy who returned from Geneva in the time of Elizabeth, with the tenets of Calvin, tenets so adverse to our liturgy, that Calvin, in one of his epistles, calls it the leavings of Popish dregs. The Calvinistic clergy, therefore, in the reign of Elizabeth, as also in those of her two immediate successors, regarded a conformity to the liturgy as implying only the reading it from the desk, whether they believed in its doctrines or not. But no clergyman of the present age can take refuge in such explanations. By the act of Uniformity, which passed on the Restoration, it is required that all clergymen, within two months after their admission to a benefice, shall make the following declaration, openly in the church, in the presence of the congregation to which they are appointed. "I do here declare my unfeigned assent and consent to all and every thing contained, and prescribed, in and by the book intituled the Book of Common Prayer." Now, my lords, when a clergyman declares his unfeigned assent to all and every thing contained in the Book of Common Prayer, he necessarily declares his unfeigned assent to the doctrines therein contained. It is not true, therefore, that the thirty-nine articles are the sole standard of faith for the clergy of the Established Church. But though the petitioner has failed in his attempt to exclude the liturgy from all participation in the standard of nationa lfaith, your lordships cannot fail to remark the principles which are displayed in this allegation. In 1641, when similar principles prevailed with regard to the liturgy, the House of Lords appointed a committee of religion, the only instance, I believe, on record. The first resolution of this committee was, that the five points, as they are called, should be explained in the Calvinistic sense. They then undertook to reform the liturgy: and not long afterwards the liturgy was abolished. My lords, I sincerely hope, that our liturgy will not be abolished again. But of this I am certain, that petitions to the House of Lords, in which such principles are revived, must prepare the way for it.

The fifth allegation, still in reference to the 39 articles, is, "That the 36th canon and the 13th of Elizabeth, c. 12, demand consent and subscription to this standard, and to this only; and consequently the system imposed by the bishop of Peterborough is a violation of this statute and this canon." That the 36th canon requires subscription to the thirty-nine articles only, is an assertion which is

again untrue. The 36th canon requires subscription also to the liturgy? That the 13th of Elizabeth, cap. 12, requires subscription to the articles, and not to the liturgy, is no argument in favour of the position for which the petitioner contends. For an act had previously passed in favour of the liturgy, namely, the act of Uniformity, which passed in the very first year of Elizabeth's reign. And this act is as silent about the articles, as the other is about the liturgy. The one, therefore, would form as good an argument against subscription to the articles, as the other against subscription to the liturgy. To the inference, which is deduced in this allegation, it is sufficient to reply, that as the premises are unfounded, the inference cannot be true. I require, indeed, subscription to the liturgy, as well as to the articles. But as the 13th Eliz., c. 12, in requiring subscription to the articles, does not prohibit subscription to the liturgy, and the 36th canon requires subscription both to the liturgy and to the articles, I do not see in what manner I violate either the act, or the canon.

The sixth allegation is, "That however he may consider his system of examination to be according to the national standard, it is henceforth no longer the national standard, to which the candidate is exclusively called to assent, but rather the bishop of Peterborough's interpretation of that standard." My lords, if there must be no interpretation of the articles, there must be no examination in the articles: for the notion of examination without interpretation involves an absurdity. The matter at issue, then, is reduced to this—have bishops, or have they not, a right to examine in the articles? If they have no such right, I must abandon not only the questions of which the petitioner complains, but all other questions on the articles, which at my own discretion I might think proper to employ instead of the present questions. My lords, I contend that bishops have a right to examine in the articles; and in support of that right I appeal to the 34th canon. By that canon every candidate for orders is required "to yield an account of his faith," and to yield this account "according to the articles of religion." Whether the account be given in English or in Latin, is nothing to the account itself. I ask, then, your lordships whether any man can yield an "account of his faith," and yield that account "according to the articles of religion," by the bare act of putting his name to the articles? I ask your lordships whether he can yield an account of his faith, according to the articles, by any other means than by examination in the articles? I am sure your lordships will determine that nothing but examination can elicit the account required.

The seventh allegation is, "That the title prefixed to the 39 articles, viz. articles agreed upon for the avoiding of diversities of opinions, and of establishing consent touching true religion, sufficiently illustrates their design, and proves that it is the articles themselves, and not a prelate's interpretation of them, that constitute the only authorized provision against all diversity of opinion." My lords, it is certainly true, that diversity of opinion in matters of religion is the object against which our articles were intended to provide. But I am at a loss to comprehend how this diversity of opinion can be prevented in the way proposed by the petitioner. He says it is "the articles themselves, and not a prelate's interpretation of them, that constitute the only authorized provision against all diversity of opinion." But the articles themselves, as opposed to the interpretation of the articles, cannot possibly produce the effect intended. By the articles themselves, as opposed to the interpretation of them, can be meant nothing more, than the bare letter of the articles. But the bare letter of the articles, without reference to the sense of the articles, expresses no opinion whatever. And that which expresses no opinion, can never operate as a check on diversity of opinion.

The eighth allegation is, "That the royal declaration no less asserts that 'no man shall put his own sense or comment to be the meaning of the article.'" My lords, I cannot deny that these words, when taken by themselves, appear at least to militate against interpretation generally. For if no man shall put his own sense upon the articles, no sense whatever can be put on the articles. Such an assent to articles of religion would indeed be a very unmeaning assent: it would in fact be an assent to nothing. But if the words quoted by the petitioner are taken in connexion with what precedes and follows, the effect is very different. The sentence from which he has extracted a few words, is as follows, "and that

no man hereafter shall either print or preach, to draw the article aside any way, but shall submit to it in the plain and full meaning thereof: and shall not put his own sense, or comment to be the meaning of the article, but shall take it in the literal and grammatical sense." From this sentence your lordships will perceive that the royal declaration is so far from prohibiting an interpretation of the articles (which would be a perfect absurdity), that it prescribes even the rules of interpretation. It enjoins that, the articles shall be interpreted in their "literal and grammatical sense;" that they shall not be drawn aside from this sense; and that no man shall put on them any other meaning, than their plain and literal meaning. My lords, these are rules of interpretation, from which I have never swerved. They are rules, which I have uniformly and zealously maintained, as the petitioner himself might have known, if he had read his Diocesan's Lectures on Interpretation.—But in the answers to my examination questions I have met with woeful instances of departure from these rules. I have met with instances, in which the words, both of the liturgy and of the articles have been so drawn aside from their literal meaning, as to make them express the reverse of that meaning. And such interpretations have been given, not merely in matters of "curious search," where a latitude of opinion might be allowed, but on points of doctrine which are too clearly expressed to admit of doubt, and too important to be regarded as not essential to the Established Church. And I can solemnly assure your lordships, that in the few instances in which my duty has compelled me to reject on account of doctrine, I have never done it for deviations of the former kind, unless accompanied by deviations of the latter kind. And as my conduct in this respect has been grossly misrepresented, I beg permission to add, in answer to the charge of undue severity, that I have spared no pains to recover those who had departed from the doctrines of the church. And my endeavours in this respect have been so successful, that the total number of rejections on account of doctrine has, in the course of five years, amounted only to three.

The ninth allegation is, "That such a proceeding therefore, is a manifest violation of these several provisions, and threatens to endanger the stability of the national creed; and though ostensibly professing to promote uniformity, is destructive of the very object that it assumes to establish, by becoming a precedent for the endless multiplication of interpretations in every diocese throughout the kingdom." By the term "such a proceeding" I suppose the petitioner understands that mode of examination, which I apply to candidates for holy orders. But I have shown in the answer to the former allegation, that though a garbled extract from the declaration appears to favour his objections, the whole sentence produces the contrary effect. My mode of proceeding therefore is no violation of those provisions, to which he refers in the 8th allegation. Nor is it a violation of the provisions to which he refers in the 7th allegation, as I have shown in the answer to that allegation. I need not, therefore, examine the inference which he deduces in the 9th allegation, as the premises are unfounded.

The tenth allegation, still in reference to my examination questions, is, "That no similar attempt has ever been made since the time of archbishop Laud, when it produced the most serious consequences, alike affecting both church and state." My lords, I cannot deny, that the prelate to whom the petitioner alludes, did make a "similar attempt." The royal declaration, prefixed to the articles, was prefixed at the suggestion of Laud, when bishop of London. And that declaration has the same object with my examination questions, namely, literal and grammatical interpretation. The declaration also gave as much offence to the Calvinists of that age, as my examination questions in the present age. The former prepared an address to the king against the declaration; and it seems a similar address is now in contemplation against the examination questions. Nor is it improbable that the fate which attended archbishop Laud would befall the bishop of Peterborough, if the same party should again obtain the ascendancy in the church. Be this, however, as it may, I shall not be deterred from the performance of what I believe in my conscience to be my bounden duty.

The eleventh allegation is, "that the royal declaration prefixed to the 39 articles, was issued in order to prevent the recurrence of such an [illegible] by denouncing in the strongest manner such innovations, and imposing the severest penalties: and

that these solemn prohibitions are nevertheless violated in sundry and numerous instances by the proceedings of the bishop of Peterborough." From this allegation it is evident, that the petitioner entirely misunderstands the origin and purport of the royal declaration. The evil to which he refers, can be no other evil, than that which he had stated in the allegation immediately preceding, namely, the evil there ascribed to archbishop Laud. But the "recurrence" of that evil could not have been prevented by a declaration issued in the early part of king Charles's reign, 1628, and at the suggestion of Laud himself. The petitioner evidently supposes that it was issued at the suggestion of Laud's adversaries, and that it was issued, not for the purpose of checking the licentious interpretation of the puritans, but for the purpose of checking the measures of Laud himself. I do not wonder, therefore, at his great regard for the declaration, though his quotation from it clearly shows, that much cutting and paring is necessary, before it will suit his purpose.—That I violate the prohibitions of the declaration is a charge which I solemnly deny. The chief prohibition, is that of drawing aside the articles from their literal and grammatical sense. But I am so far from violating that prohibition, that I comply with it to the utmost extent.

The twelfth allegation is, "that your petitioner has appealed to his grace the archbishop of Canterbury, who alleges that he is not competent to interfere on this occasion." My lords, there is only one remark to be made on this allegation, namely, that in this instance, as in every other instance which has come to my knowledge, his grace has acted according to the true spirit and constitution of the Established Church.

My lords, I now come to the prayer of the petition, in which is proposed an address to his majesty, as head of the church, to enforce the royal declaration. But the enforcing of the royal declaration will, for reasons already stated to your lordships, defeat rather than promote, the purpose of the petitioner. That purpose, if answered by an address to the throne, can be answered only by an address imploring his majesty to issue his royal mandate to the bishop of Peterborough, and prohibit the questions, of which the petitioner complains. My lords, if his majesty could be induced to issue such a mandate, I would bow in obedience to the royal commands. But before your lordships concur in a motion to that effect, it is necessary to consider, whether such an exercise of the royal prerogative would be consistent with the constitution in church and state. In the use of those questions I exercise a right, which I enjoy under existing laws; and laws cannot be annulled by one branch only of the legislature. The 34th canon is my warrant for an examination in the articles. My questions constitute an examination in the articles. And whether I propose for that purpose the questions which I now employ, or introduce another set, as circumstances may require, is a matter which must depend on my own discretion, and in which no one has a right to dictate.—My Lords, I do not deny, that bishops, as well as other men, may abuse their authority. With such an abuse of authority I am charged in the present petition: but whether truly or not must depend on the truth or falsehood of the allegations. My lords, I have sifted those allegations to the bottom. I have proved, that the first allegation contains a direct falsehood; that the second is a misrepresentation; that the third allegation, in which the petitioner contends for an abuse of authority, is dependent on the two former, and consequently devoid of truth. I have further proved that his fourth and fifth allegations exhibit other deviations from the truth; while his attempt to exclude the liturgy as a standard of faith, betrays a creed, which ill deserves the protection of your lordships. Of the remaining allegations, as far as they have any reference to the pretended abuse of authority, I have shown, that they are altogether fallacious.—I ask, then, your lordships, will you accede to the prayer of a petition, which is founded in sophistry and falsehood? That the noble lord, who has presented it, was not aware of its sophistry and falsehood, when he yielded to the solicitations, with which I know that he was earnestly pressed, I am well assured, or he would have rejected those solicitations with disdain. The noble lord could not suspect, that any man would dare to affront the House of Lords by the tender of unfounded allegations.

My lords, before I conclude, I beg permission to say a few words concerning myself. Whatever be the fate of the questions, I have no personal interest at stake. I shall be no personal loser, if they are wholly abandoned. I have no other desire to retain them, than what arises from

the belief, that they have contributed to the welfare and security of the church. The voice of faction has been raised against them, and in the outcry, episcopal authority has been treated with insolence, and ecclesiastical discipline has been set at nought. But, my lords, this very opposition, when viewed in its true light, may be regarded as an argument in their favour. From assurances, which I still possess, I know that they were approved by learned and orthodox divines: and if that approbation has been lately checked, it is the infirmity of human nature which recoils at the approach of danger.—My lords, it might not have been expected that a bishop who devotes his life to the defence of Christianity, and the defence of the Established Church, should be called before your lordships to answer for his conduct. But as I am not aware that I have violated my duty even on the subject of complaint, I willingly resign my cause into the hands of your lordships.

Lord *Holland* said, that he disapproved of the language which the right rev. prelate had employed in speaking of the petitioner: such language was harsh in itself, and not becoming the quarter whence it proceeded. With regard to the defence of the right rev. prelate to the charge of the petition, it was the most complete instance of *ignorantia elenchi* he had ever heard. The question to be ultimately decided was this—whether the learned prelate was justified in putting his questions. If he had that right, no man could doubt that he had also the right to choose his own mode of examination; but it was first necessary to determine whether the matter, substance, object, and principle of the examination were warranted by the law of the land, and by expediency and prudence? He would broadly assert, that it was ambiguous and doubtful, whether, by law, the learned prelate had a right to do so; and, whether he did or did not possess it, it had always been thought most imprudent and improper in the right rev. prelate to assert it. With regard to the canons, when he heard the right rev. prelate speak of them in a tone of such authority, he could not help at least hinting a doubt whether those canons were, in truth, any part of the law of the land, for they had never received the sanction of parliament, like the Liturgy, the Articles, or the Homilies. The 48th canon was the only one on which the claim now set up could be rested: but even this 48th was liable to two interpretations. It was not to be disputed that the petitioner had subscribed the 39 articles; and that act hitherto had been considered a sufficient test. Looking at the history of these 39 articles, he found that they had been put into their present shape at the commencement of the reign of Elizabeth, in 1562; and with reference to their doctrines he must say, that from the period of the Reformation down to the time of that good man Hooker, and even of that bad man Laud, the principles of Arminianism were unknown to the Church of England. One of the greatest ornaments of the Bishops' bench had said, that those 39 articles contained opinions on which a clergyman of the Church of England ought not to be examined. Was the right rev. prelate quite sure that such men as Parker and Sanderson could have satisfactorily answered his questions? Was he quite sure, even that all those by whom he was now surrounded, could do so without offending against some doctrinal point, which the right rev. prelate held so necessary to true religion and virtue? It was not to be denied that the 39 articles were drawn up by persons whose opinions tended more to Calvinism than to Arminianism; but as bishop Horsley had correctly said, they were intended to admit both within the pale of the church; they were articles of peace and union, and observed a perfect and judicious neutrality. Whitgift had endeavoured to add six articles wholly Calvinistic; but for the reason stated they were rejected. Down to the reign of William III. that "discreet laxity" of which Fuller spoke in his Church History, had always been allowed, regarding the articles. Coming down to a later date, he arrived at the great authority of archbishop Wake upon this subject—an authority to which he had before alluded. The injunctions he promulgated related solely to the testimonials and to the morality of the candidate for a curacy, or for holy orders, but said not a syllable regarding rejection on points of doctrine. He had held a correspondence with the Protestants of Geneva and Bern; and in one of his letters to the latter, he had thus spoken of the 39 articles: "I have never, to any man or men, given my opinions upon that subject, and I am determined never to do it. It has always been the policy of

the church of England, and I trust in God it will always remain so, to require nothing more than the mere subscription of the articles." Thus it was evident, that archbishop Wake could never have entitled himself to a curacy in the diocese of the right rev. prelate. He, one of the loftiest and ablest dignitaries of the church, must be abandoned by those who thought with the present bishop of Peterborough, as a republican, as one who would be willing to bring his sovereign to the block, and as meriting all the reproaches and epithets which the right rev. prelate, in his truly Christian spirit, had heaped upon the petitioner. He had heard that some of the candidates to whom licenses were refused from the see of Peterborough had obtained them in other dioceses. He had read the answers to the 87 questions, and he could find no ground for the charge of artifice, brought forward by the right rev. prelate. The object of the petitioner was, to gain the curacy, and but for his honest scruples of conscience he might have obtained it. He now came to the topic of expediency, and he must observe, that if the practice of the right rev. prelate could be justified by strict law, it was in itself a tremendous grievance, and a most cruel power, the exercise of which ought to be controlled. The hardship in a case like that of the petitioner was extreme. By the resolutions in the case of Horne Tooke it had been settled, that when once a man was a deacon, he could look for advancement in no profession but the church. A man might be able to subscribe the 39 articles with the latitude hitherto allowed, and an opportunity of preferment in the diocese of Peterborough occurring, he might have reasonably expected that no obstacle would have been presented to his obtaining it. But no: the bishop stepped in, and put him to a new test by his 87 questions, some of them of no easy solution, and such as archbishop Wake himself could not have answered. Still, answered they must be; and, if it could not be done without it, the candidate must read over the right rev. prelate's long controversial work for his instruction. He had no choice—"extinctæ corpus non utile dextræ;" and, if he did not give satisfactory replies upon all the doctrinal points, he must be content to be a beggar all his life. It might be true that only three had been rejected by the right rev. prelate; but could he say how many had been deterred from seeking advancement through such an ordeal? There was one remark which he would not have made but for the charge of artifice which had been made against the petitioner. The 87 questions were propounded to young, inexperienced men—to candidates for curacies or holy orders; but they were never put to beneficed clergymen, who might be supposed to be more competent to reply. The truth was, that in such cases third persons were interested—the lay patron—perhaps the Crown; and, if objections were made to the interrogatories, the matter could be carried to another jurisdiction. He did not say that it was so; but it looked very much as if the right rev. prelate was resolved to go as far as he could without (to use a familiar phrase) being hauled over the coals. By a practice like this, each separate diocese would be converted into a separate church, and divisions and sects would be endless. But since the Church of England was part of the law and constitution, parliament was bound to interpose in cases of necessity. He did not put it on the miserable ground of property; but, for the sake of the interests of religion, the House was called upon to interfere and to take care that the basis of the church was as broad and solid as duty to God and the welfare of the state would allow. The right rev. prelate had done what, till his time, had not been attempted since the Reformation. He strove to straighten and narrow the basis of the church; and the speech he had just made showed that those who wished for the peace and security of the country, ought either to put an end to the practice he had begun, or at least to institute an inquiry into its legality and policy. The right rev. prelate objected to the extraordinary interference of the House; yet he himself, day after day, had sat with exemplary patience to support a bill of pains and penalties against the first subject of the realm, on the ground that the ordinary law did not reach the case. Here the ordinary law did not reach the case; yet he contended that there was no remedy but through a convocation. As to the power of a convocation, it was unquestionably a very pretty power to be read of in books; but God forbid that he or any man should live to see the day when it should be again exercised.

Lord *Calthorpe* contended, that the mode of proceeding adopted by the right rev. prelate closed all those openings in the 39 articles purposely left for the scruples of conscientious minds. He thought it most desirable for the welfare, and most essential to the peace, of the country, and the interests of the clergy, that their lordships should express their decided reprobation of the course which had been pursued by the right rev. prelate. He did hope, that their lordships by their vote of that evening, would make it clearly understood that they would not lend their high sanction to a proceeding, more menacing to the prosperity of the church, than any which had been ventured on, since the period of the Reformation.

The Earl of *Harrowby* said, that as he had, on the last occasion voted that the petition should not be laid upon the table, he felt anxious to explain the grounds upon which he should now be disposed to give a contrary vote. The allegations which the petition contained appeared to him to be of the gravest character; and, looking to the important interests which might be in some sort affected by them, he did think that some further inquiry ought to be instituted. He was satisfied, in regard to the church and its welfare, that to narrow the base was not the best method of securing the superstructure. The conduct of the right rev. prelate, he considered to be clearly most impolitic. But, while he was disposed to vote for laying the petition on the table, he was far from pledging himself to support the proposed address.

The *Lord Chancellor* said, it appeared to him that the petition ought to be permitted to be read and laid on the table, whether their lordships should found any ulterior measure upon it or not. But if it was intended, by laying the petition on their table, to imply any censure on the right rev. prelate, he would vote against it, even in that stage of the question. He could not see how the right reverend prelate, indeed, could go on to the subscription, without previous examination.

The petition was read, and ordered to lie on the table.

Lord *Dacre* said, he had intended to have followed up the last motion, by moving an address to the Crown; but from what the learned lord had said, it was clear that he should find much opposition if he persevered in his intention. He was therefore inclined to substitute for it a motion, "that this petition be referred to a committee to consider the matter thereof."

The *Lord Chancellor* said, that having explained the terms on which he would consent that the petition should be laid on the table, he would only add, that he could not consent to this motion.

The Earl of *Carnarvon* expressed his astonishment, that not one of the right rev. prelates on the bench had signified, either by word or gesture, whether he approved or disapproved of the doctrines and conduct of his right rev. brother. Those learned and rev. prelates' attendance on the present occasion was certainly ornamental; but whether it would be practically useful, remained to be determined. He really did think that on a question like the present, their timid silence was a desertion of the cause which it was their duty to advocate. On any constitutional question there was no delay on their part in giving their lordships the benefit of their experience; but now, on a question of church policy, it seemed they were prepared to go to a vote without any explanation of their opinions. What would the public think when they found, that among so many right rev. prelates there was not one who had said a word on the subject? He trusted, however, that one would yet be found to rescue the bench from what he must call the shame of such inactive and timid policy.

The House divided: Contents, 19; Not Contents, 58.

HOUSE OF COMMONS.

Friday, June 7.

YORKSHIRE ELECTION POLLS BILL.] Mr. Wynn moved the second reading of this bill.

Mr. *Chaloner* said, it was a remarkable circumstance, that those who advocated the measure had no connexion with the county of York; and therefore could receive no injury if it were carried. On the other hand, the various interests in the county of York which would be effected by it felt no inclination to support the measure. That which principally created his hostility to the bill was the direct and gross injury which it would inflict on the exercise of the elective franchise. If the electors had committed

an infraction of any act of parliament, it would perhaps be right to visit them with this measure. But he knew not what they had done to merit such an infliction, and, therefore, he should move as an amendment, "That the bill be read a second time this day six months."

Mr. *Ramsden* could perceive no benefit which the bill was likely to produce, but was confident that its effects would be mischievous. The voice of the great body of the Yorkshire electors was decidedly against it. He held in his hand a statement of the sentiments of the grand jury on the subject. Of 22 members 21 were present when the expression of their opinion took place. 'Of these 21 members, 17 decided against the bill, and four reserved their opinion.' Three of this latter number had since given their opinion against this measure, and one gentleman, who was absent at the time, was supposed to be hostile to it. The only one in favour of the bill was the county treasurer. It would have a baneful effect on the elective franchise. As the law now stood, he had four votes for the county of York; but if this measure were agreed to, he should only have two.

Mr. *Wilberforce* considered this question as one of very high importance. A variety of opinions existed as to the best mode of popular representation. Some wished to confine the elective franchise to large counties, towns, and districts; others were desirous of extending it to places of smaller consequence. From the extent of its population, and its diversity of character, all those varieties of opinion were to be found in the county of York, which might be said to constitute a little empire. He was, however, entirely in favour of having future elections for that county carried on as they had formerly been. The feeling of constitutional importance which arose from an election so conducted was of no small value in the support of public liberty. To know that by their proceedings at a great election, they gave a tone to the rest of the country, was exceedingly pleasing to the people, and was a principle which they valued in the extreme. On the importance of keeping this stimulating principle alive, the late Mr. Fox had dilated in public and private company; and his opinion, he was convinced, would be treated with respect. The bill of the right hon. gentleman would have a contrary effect. The right hon. gentleman conceived that the county of York was so large and populous that the election of members by a portion of it would be sufficient to satisfy the ambition even of those who were most fond of popular applause, while it would prevent the evils arising from a great and expensive contest. This proved to him that the right hon. gentleman was not acquainted with the local circumstances of Yorkshire. If the great extent of a county were to be assigned as a reason for making such a division, where were they to stop? Why should not Devonshire or Lancashire be divided? If the reason were good for any thing, he knew not what boundary could be assigned to the innovation. The same course might be pursued with respect to great and populous cities. To say that such or such a portion of electors was of sufficient importance to introduce a member to that House, was to let a principle into their system of legislation better calculated to justify the bold experiments in representation which were hourly recommended, than any other plan he had yet heard of. The great expense of a contest for Yorkshire was one of the reasons adduced in support of this bill; but as great an expense had been incurred even in borough elections. Small places, as Waterloo and Agincourt, were sometimes the theatres of great actions; and elections for small towns and boroughs had frequently created immense expense. Two or three noble families had, he believed, been ruined by contested elections for Northampton, but no one had thought it necessary on that account to divide the district. Any attempt to make popular election a sort of closet or private affair, instead of a proceeding that would bring forward the feelings, passions, and energies of men, ought to be condemned, because it militated against public liberty. He loved those feelings of constitutional liberty which, he contended, could not be maintained if elections were converted into mere matters of private arrangement. He had been himself elected six times for the county, and he cherished a grateful recollection of the kindness with which he had been received. The support he had met with filled his heart with the warmest gratitude; but those who gave him that support knew it was not his cause they were upholding, but the cause of the independence and freedom of the county. They knew the contest was an expensive one, and therefore a munificent subscription was raised

for the purpose of carrying on the election. At his last election, many hundred electors would not take one farthing for their expenses, and nearly one half of the subscription money was returned. This bill, in his opinion, placed the electors of Yorkshire on a similarity with the electors of Grampound, since it deprived them of a considerable portion of their elective franchise.

Mr. *Wynn* said, that many of those who last session agreed in the disfranchisement of the borough of Grampound, and the transfer of the right to the great county of York, were induced not to offer certain amendments which would have endangered the fate of the bill, on the distinct understanding, that the manner in which the additional members were to be elected should form the subject of a bill to be afterwards introduced. The measure then contemplated was now before the House, and he denied that it was, in any degree, a breach of the franchises of the electors of Yorkshire. The hon. gentleman asked, why was not Devonshire or Lancashire divided? They were not divided for this simple reason—because the House had fixed on the county of York, in consequence of the great number of its electors, to exercise that right which had been forfeited by the electors of Grampound. It then became the duty of the House to consider in what way the new members were to be elected, and whether they had not better be chosen by a division of the county, than by the county at large. Many years ago, the state of the county of York was brought under the consideration of the House, for the purpose of lessening the expenses attendant on the election of members. It then appeared, that at the last election for that county, 23,000 persons actually voted, and many individuals who came to York to give their votes, were unable to fulfil their intention, although they waited to the latest moment. The subdivision of property in manufacturing districts was known to have increased the number of electors; and therefore, if the House did not now alter the system of election with respect to Yorkshire, they would be imperatively called on to do so hereafter. A noble lord, one of the members for Yorkshire (lord Milton), felt the necessity of an alteration so strongly, that he had some time ago introduced a bill to divide the county of York into three or four districts, for the convenience of polling for members of parliament. The hon. member had observed, that the contest for Northampton had required as large a sum as that which was expended on the election for Yorkshire. It was very possible. But how was that large sum spent? It was laid out in direct violation of the law. The magnitude of the sum so expended would have supplied a very good reason for making the law relative to bribery and treating more strict than it was. But the immense expense attendant on the election for Yorkshire was occasioned by the conveyance of voters to the poll. And, he would ask, ought not parliament to interfere with a system under which 100,000*l.* might be legally expended? It was a well known fact that in a contested election for Yorkshire 100,000*l.* had been laid out on each side without one illegal or irregular expense. Besides, the number of voters thus brought together was too great to be introduced into one town; and it was almost impossible to decide on the validity of the votes that might be objected to. The hon. gentleman said, that there would be, under this bill, a similarity between the treatment adopted towards the borough of Grampound and that extended to the county of York. The similarity, as he called it, was this—that two members were taken from Grampound, and given to the county of York. At the last contested election, 13,830 voters had polled for the West Riding only, and he thought that a person elected by nearly 14,000 individuals, however fond he was of popular favour, ought to be satisfied. At the same election 9,000 voters polled for the North Riding. If the whole county voted for the four members, the consequence will be, that if an opposition were set on foot against any one of them, the other three, against whom there was no objection, would be equally saddled with expense. This was the case with the city of London. In 1813, he first introduced a proposition of this description. It was particularly approved of by the noble member for Bedfordshire (the marquis of Tavistock), who was so eager to express his opinion of it, that he got him (Mr. W.) to draw up two clauses, which he declared he would move on the third reading of the bill, in order to record his sentiments. The present measure he brought forward in the last session, in order that it might lie over, and be submitted to the

judgment, not of the county of York, but of the whole kingdom. Nothing could be more injurious than to say that this measure belonged to the county of York, and that it was improper in the member for Montgomery to bring it forward. He protested against this argument, and must contend, that those who were unconnected with the local interests or prejudices of a place, were likely to bring forward more advantageous measures for the removal of any evil that affected it, than those who would probably be guided by their passions or feelings. With respect to the opinion of the grand jury, he would only say, that nothing could be more pernicious than for a grand jury to leave the local business which was intrusted to their care, for the purpose of giving an opinion on questions of general interest. He found that 19 or 20 of these gentlemen had declared against the bill. Now, with all due respect for their opinion, on a measure which concerned the interest of 23,000 voters, and of the county at large, he did not think it was entitled to more respect than that of any other 19 or 20 gentlemen who had considered the nature and object of the measure.

Lord *Normanby* said, that the House ought to pause before they proceeded farther with a measure which was as inimical to the interests as it was obnoxious to the feelings of the freeholders of York.

Lord *Hotham* contended, that the bill would be beneficial to the county of York, and denied that they had any reason to believe that the county was averse to it.

Mr. *Stuart Wortley* said, that a decided majority of the freeholders were against the bill. The West Riding were almost unanimous against it.

Admiral *Sotheron* thought it would be for the benefit of all parties that the county should be kept entire.

Mr. *Denison* opposed the measure, and expressed a wish that a bill similar to that formerly brought forward by lord Milton, might be adopted.

Mr. *Duncombe* supported the bill.

Mr. *H. Sumner* supported the bill, and contended that the West Riding ought not to rule over the two other ridings.

The question being put, "That the bill be now read a second time," the House divided: Ayes, 27; Noes, 69. The second reading was accordingly put off for six months.

CONSTABLES (IRELAND) BILL.] Mr. *Goulbourn* rose to move the second reading of this bill. He pointed out the state of the police, with regard to the appointment of constables, and showed its defects. He also alluded to the difficulties of arresting persons in Ireland, which could seldom be effected with the concurrence, or without the opposition, of the population. From these causes, to be efficient in his office, a constable ought to devote his whole time to its duties. The grand juries who now appointed them could not grant such salaries as would enable them to do so; and, in consequence, the office of constable had fallen into a state which it was most desirable to avoid. If they wished to make the people of Ireland respect the law, they must endeavour to ensure its administration with effect. The means of accomplishing this, he was about to propose to the House. He was aware that he might be met with the objection that it was against the principles of the constitution, to vest such a power in the hands of the government as the appointment of these constables. But he thought the first constitutional duty of every man was to enforce the observance of the laws. The appointment of the constable of a barony was no new power in the hands of government. Several previous acts had authorized this, and the object now in view fully authorized them in extending the power to the common constables. He should propose by the bill, that the duties of a constable should be limited to the maintenance of peace, under the directions of the magistrates. He thought the present measure would remove one of the difficulties which prevented their acting with that efficiency which rendered a magistracy respectable. The House was aware that there were extraordinary measures of police now in operation, which had been attended with the most happy results; and he did not mean to imply any thing unfavourable to those measures when he proposed others, which, he considered, would operate as a preventive, instead of a remedy, for outrage. Various petitions were to be found upon their Journals, pointing out the defects of the police in Ireland. One of these, from the county of Galway, also alluded to the means by which they were to be removed. He thought no man would object to the proposition, that an effective police in Ireland was desirable. He proposed this measure to the House as the opening of a

new era for that country. By it he hoped to prevent the necessity of keeping up the large military establishment there, and of employing military force upon all occasions.

Sir *H. Parnell* fully agreed that the present measure was one of the most important that could be submitted to their consideration, with reference to the condition or interests of Ireland; but he could not help regarding as most grievous, the consequences of that neglect which had marked the proceedings of those to whom the government of Ireland had been hitherto confided. In that country there was still visible a sort of lawlessness which seemed to indicate that the effects of early conquests were not yet terminated. Among the more immediate causes of confusion, however, he might mention the want of a proper system of communication between the executive authority and the different counties. In England this branch of the civil power was in full vigour, and there were lords lieutenant in every county with whom government might correspond, and derive, through these means, timely information with regard to all that was passing, or likely to occur. One material defect of this measure was, that it offered no enactment for improving the present state and character of the magistracy in Ireland. Its sole purpose was, to provide for a new mode of appointing constables, and the bill might be considered as going to vest greater powers in the hands of magistrates, who were already notorious for doing all they could to bring the laws into disrepute. It was but recently that one of them was convicted of turning every process that came before him to his own private emolument. It was no uncommon case for a justice of the peace to derive 200*l.* or 300*l.* a year from his office. The first object, therefore, was, to establish some officer in each county with whom the government might communicate, and then to reform the magistracy. This ought to be done immediately—his majesty's ministers ought to take courage to do it. Of the existing body of magistrates some held considerable tracts of land, and having themselves tithes to pay to a large amount, had been detected in encouraging and fomenting the tumults which had proceeded from that cause. It was not surprising, therefore, that the police should be defective. Such were its defects, that outrages and murders were often committed with impunity? For want of a regular execution of the laws, every one looked for redress in his own schemes; and gave way to the sudden and violent impulses of revenge. It was to this cause and not to defective Excise regulations, that undue collection and inadequate produce of the revenue was to be attributed. Another ill consequence was, that it impaired general credit, and often subjected individuals to wants and hardships that were foreign to a commercial country, and might even subject people to starve in the midst of plenty. Now, the new system which the right hon. gentleman proposed to introduce appeared to be a system of military police, or at least he did not know where to trace the distinction between it and the police of France. Why, if they took care to reform the magistracy, should they not, in the first instance, try the constitutional police of this country? He had no doubt that if the whole system of constables were assimilated to the English, there would then be an efficient civil power in Ireland. The Irish grand juries had so many other objects to attend to, that the appointment of constables was necessarily subordinate. The errors that were committed in the choice might proceed from inattention rather than from any corrupt motive. In England the appointment of constables lay with individual magistrates. Why, if they themselves were properly selected, should not the same confidence be reposed in the magistrates of the sister country? He had a decided objection to any measure which was likely to disgust the resident gentry of the country; and he could not help wishing that the right hon. gentleman would restrict his plan to the formation of an auxiliary police; leaving the appointment of the common constables to the same authority with which it at present rested. Nor did he think the efficacy of the measure by any means so certain as the right hon. gentleman supposed. If the existing common constables were reduced, government would have the disposal of from 3,000 to 4,000 new appointments; and how was the disposal of those appointments to be conducted, so as to prevent the degenerating of the whole system into a job? Applications from every unfit quarter would not be wanting; and he was quite certain that many county magistrates (the fittest persons to recommend) would decline communicating with government upon the subject. He was sure the

country gentlemen would be disgusted. A nobleman, perhaps, residing upon his property, doing his utmost to improve the condition of the country, but accustomed to nominate his own officers, if suddenly deprived of the constables on whom he could place reliance, and surrounded by an armed force composed of strange faces, would be more than likely to become an absentee. He could name persons who would be very likely to take that course. The House ought to look also at the cost of this proposed plan. There were so many high constables, at salaries of 130*l.* a year, with house, furniture, &c. provided; so many petty constables at 35*l.* a year, with clothing, arms, and accoutrements. Then there were inspectors at high salaries. The county which he represented was, as to extent, of the third class only; yet the expense of the measure, as applied to that county, would amount to at least from 3 to 4,000*l.* a year. The cost under the present system did not exceed 800*l.* a year. He had no objection to allow the lord lieutenant to appoint a police in case of disturbance to aid the common constables, and in case of extremities to be made as formidable and as efficient as ministers could propose; but he was still for keeping up the constitutional body of the constables, although it certainly required to be reformed and made more efficient, by giving the appointments to the magistrates, and allowing them to increase their numbers and the means of remunerating them; and he should conclude with moving, "that the bill be referred to a committee above stairs."

Mr. *Plunkett* said, that upon the necessity of improving the police of Ireland, no difference of opinion could exist. Whether the measure now proposed was the fittest to be adopted, it was for the House to determine; but it was the unanimous opinion, that a change in the police must be the first step towards the promotion of tranquillity in that country. The hon. baronet had most correctly spoken of Ireland as having been governed for many years by little else than measures of emergency; and the object was now, instead of having a relaxation of law one moment and a paroxysm of violence the next, to have a steady, vigorous, and efficient police—a police which should not only act to punish crime, but to prevent it; and which, by habituating the people to obey the law, would in the end have the effect of attaching them to it. But the hon. baronet treated the measure as unconstitutional. It was not a measure which proposed any new law, or created any new crime, or introduced any new officer, or set up any new authority. How, then, was it unconstitutional? The constables were now appointed by the grand juries; and, under the new system, they would be nominated directly by the Crown. Surely there was nothing unconstitutional in that. As the Crown was the fountain of all executive power, what difference could it make whether the Crown appointed the magistrate and the magistrate the constable, or whether the Crown appointed the constable directly? And if it was possible that the projected system might become a job, this was quite certain—that the existing system was notoriously and avowedly a job. He meant to cast no reflection upon the grand juries of Ireland; but where the power of appointment was divided among 24 persons, each of whom was exempt from responsibility, and shifted all blame upon his next neighbour, the appointment could not fail to resolve itself into a job. It was a job from the nature of the system, and not from any fault in the parties who worked it. But in the new system there was far less probability of such a consummation. The lord-lieutenant might be open to occasional imposition; but, if abuse did arise, the monthly return of the inspector gave, under the new system, the opportunity of correcting it; while, under the old one, a gentleman upon a grand jury appointed some servant or dependant, who was better provided for as a barony constable than as a hanger-on upon the appointer's bounty; and, whatever was the man's conduct, he continued to act as constable for a period of six months, until the grand jury sat again. The hon. baronet spoke of his knowing resident magistrates who would be disposed to take offence if they were displaced by the bill; but did he suppose that the provisions of the bill were imperative, and that the lord-lieutenant, because he had the power of appointing, was bound to appoint in all places? The exercise of the power was entirely optional; and he (Mr. P.) should view it as an abuse of the power, if it were used in all places, without reference to existing circumstances. Look to the present state of the county of Longford. Gentlemen must remember when Longford was remarkable for the

non-execution of the law, the supineness of the magistracy, and the prevalence of crime. But, since a noble lord (Forbes) had exerted himself in that county, it had become the best regulated and most orderly in Ireland. Now, the House could not suppose that the noble lord alluded to would be superseded in his office by a police magistrate, nor that changes, generally, would be made, where resident gentlemen were efficient. With respect to expense, the measure would be really a measure of economy. The number of baronies in Ireland was 250. Take the scale of one chief constable to every barony, and the probable cost under the new system would be this:—Chief constables, 32,500*l.*; petty constables, 175,000*l.*; inspectors, four, at 500*l.* a year, 2,000*l.* police magistrates, ten, at 800*l.*, 8,000*l.*; total 217,500*l.* Now, what was the real expense under the existing system? It was, for the last year—baronial constables, 28,907*l.*; extraordinary police, 102,113*l.*; preventive revenue police, 23,104*l.*; military assistance to the revenue, 24,550*l.*; making a total of 178,664*l.*—The new system would be dearer by about 40,000*l.* a-year; but if against that were set the various advantages which would accrue—the saving in expense of several prosecutions—the saving of time now given up to the watching for and to the prevention of crime, the account would be nearly balanced. If the House took into its consideration the saving of public morals, and the probable restoration of peace, obedience, and sober habits to the country, the advantage in favour of the new system would be prodigious.

Mr. *S. Rice* said, that he laid little stress upon the question of expense, because he thought that, if the bill would answer the object proposed, it ought, at any cost, to be carried into effect. But he resisted the bill upon the broad ground of its principle. There was no doubt of the advantage of equally enforcing the law, and of making the people look up to it as a protection, rather than as an evil; but the bill now proposed, so far from bringing public opinion to the side of the law, was, of all measures, the most calculated to awaken public indignation. The execution of the law at present was defective; but let the system be fairly tried before it was condemned. Let it be ascertained whether the fault was in the principle of the existing system or in the abuse of it. The right hon. gentleman had adverted to the county of Longford. How happened it, if the existing system was so bad, that Longford had thriven under its administration? If the strict administration of our constitutional law had led to such a satisfactory result in Longford, why run needlessly to a system not only new, but highly objectionable? Before they abandoned the constitutional law as inefficient, it was their duty to enforce it. If the constable's staff was not strong enough, let them use the bayonet; and if the bayonet would not do, let them call in the artillery. Let none of the intermediate steps be overlooked, none of the measures of caution and conciliation; but let not the legislature throw disgrace upon the whole magistracy of Ireland by declaring it inefficient, without purging the ore from the dross, and giving due support and assistance to what remained. Nor was it upon principle only that the bill was objectionable. He opposed it on account of the expense. The right hon. and learned gentleman did not deal fairly with the House in setting against the cost of the new scheme many items which he had taken up. What pledge had the House that under the operation of this measure the existing auxiliary police would be dispensed with, or the service for the prevention of illicit distillation? But the right hon. and learned gentleman denied that the measure was unconstitutional. It was, he said, not unconstitutional, because all power emanated from the Crown, and because it was no matter, therefore, whether the constables were appointed by the magistrates of the Crown, or directly by the Crown itself. Why, if there was any shadow of force in this argument, there would be nothing unconstitutional in adding *ad infinitum* to the power of the Crown as to appointment to office. Where was the principle to stop? If it was once admitted, what bounds were to be set to it? He might well ask, as had been asked already, how many new places were to be created by this bill? It would be found that ten constables would not be sufficient for each barony; the number required would probably be fifteen. So that there would be from 4,500 to 5,000 new officers to be appointed by the Crown. He objected particularly to the mixing up of any revenue duties in the employment of those to be appointed constables. In the present state of the revenue laws in Ireland, such was the temptation to illicit traffic,

that if once an officer became an exciseman, he would soon be wholly valueless in his principal capacity; and it was a mistake to suppose that the disturbances in Ireland were in any degree produced by a want of number in the magistrates. In the disturbed districts, the magistrates were more numerous than in the quiet parts. In the more peaceable counties the average was one magistrate to an extent of 25 square miles, and to a population of 5,000 souls. In the disturbed parts, the average ran one magistrate to $7\frac{1}{2}$ square miles, and to a population of 3,043. The deficiency of executive power in the police seemed therefore to attach rather to the redundancy, than to the paucity of magistrates. Let the system be fairly tried as it constitutionally existed. Let the magistracy of the country be purified, and then let that plan be followed which had succeeded in Longford, Kerry, and Mayo. He was convinced that the bill could not be carried into operation without giving rise to the most flagrant abuses.

Sir *J. Newport* said, that if he could be convinced there was in the present bill any thing which could be called an amelioration of the system of police in Ireland, it should have his most cordial support; but, from the view which he took of it, he did not think it would be a benefit to his country; on the contrary, he thought it would be a source of increased evil. He therefore trusted that the house would attentively consider whether some more effective measure could not be adopted to remedy the defects of the old system. The present system of police in Ireland was most defective; but when he saw, that in the case of the county of Longford, and in other places where the attempt was made, that system had been rendered efficacious by a vigilant exertion on the part of the local authorities, he would ask whether the present was a time to abandon all that had been done, and to introduce a system diverging in quite the contrary direction? There was not a doubt in his mind that the enactments of the bill would create very general discontent among the respectable magistracy of Ireland; and he was authorized to state by many most respectable magistrates, that if it passed into a law, they would throw up their commissions, as they should consider themselves disgraced by its enactments. He would have no objection to going into the committee, if he thought that by any modification of its details the measure could be rendered effective; but he was sure it would be neither the one nor the other. It would tend to drive many of the most respectable of the magistracy out of the commission, to render those who might remain, inert and useless; and to increase the number of absentees. He had as great an attachment to his country as any man, but he felt himself bound to say, that if this bill passed, he should no longer consider Ireland as his country.

Mr. Secretary *Peel* admitted, that it was a defect in the police of Ireland, that there was not that link of connexion between its magistracy and the government which existed in England, by means of the lords lieutenant of counties. This was an evil to which he should wish to see a remedy applied. With respect to the magistracy of Ireland generally, he had always found it defective; and reform it as parliament might, it would still continue defective, owing to the great number of absentee proprietors. However active and honest their agents might be, they could never adequately supply the places of the great landed proprietors. At the same time he should not wish to see the deficiency remedied by a general extension of stipendiary magistrates; for he thought that the appointment of stipendiary magistrates in every county would degenerate into abuse. Still, however, he held it necessary that government should have the power of appointing such magistrates in certain cases; for it would be destructive of all law to allow 20 or 30 miles extent of country to be without a magistrate, or, what was the same thing, with magistrates who did not act. He would suggest, that the stipendiary magistrate should be appointed only where there was no resident magistrate, or where he did not do his duty; and that then it should be on the recommendation of the other magistrates of the county. Under any other circumstances, he thought that the extension of salaried magistrates would be an evil.—As to the general state of the police in Ireland, it was admitted on all hands, that the system was so bad that something should be done. Let the House look to the present state of Ireland in that respect. She had now, not to guard against any external danger, but to protect the administration of the law, to support a regular army of 21,000 men, besides 4,000

yeomanry corps on permanent duty; and notwithstanding this force, they had this extraordinary fact, that in one year there had been 26 murders committed, and only one of the perpetrators had been brought to justice. As to the expense, it should not be left out of sight, that, by the establishment of an effective police, the military expense would be likely to be very considerably reduced. It was agreed on all hands that something should be done. Now, the question was, in whose hands should the appointment of the stipendiary magistrates and constables be placed? It was suggested on one side, that they should be assimilated to the same class in this country. He for one should not object to that, provided it could be effectually done; but he apprehended that it would be very difficult in the commencement. In England the constables were not paid; but it could not be expected that at present, parties would be induced to undertake, without salary, an arduous and unpleasant office, such as that of constable must be; and the less so, as hitherto the constables appointed by the grand jury were paid and armed as those who were appointed by government. There were thus two experiments tried. Constables were appointed by government, and others were appointed by grand juries. But there was a vast difference in their effective force in favour of those whom government had appointed. He contended, that as the power of appointment by the government had not been abused, it was a fair inference, that it was not likely to be abused in future. He implored the House not to reject the measure in its present stage, but to allow it to go into the committee. It was a plan for ameliorating the condition of Ireland, with respect to its police, which all parties agreed required a remedy. Let it go to a committee, and there they might discuss it; for it was not a party question. It was one which arose from a desire to improve the condition of the country; for before they could with safety reduce the troops, before they could give up the operation of such extraordinary measures as the Peace-preservation bill, or the Insurrection bill, they must have an improved police, and habituate the people of Ireland to that which was the greatest of all national blessings—an equal, unvarying, and impartial administration of justice.

Mr. *Abercromby* admitted, that there were two principle defects in the present state of Ireland—that of a defective magistracy, and that which arose from the system of the higher and middling classes being induced to depend more on government than upon their own exertions. Admitting these defects, it was with reluctance he felt himself bound to oppose a measure which endeavoured to provide a remedy. In his opinion, the most effectual remedy would be, to reform the magistracy; and he considered it monstrous to adopt such a bill as the present until every other means of curing the evil were exhausted. During the rebellion, and since that period, many most objectionable individuals had got into the commission of the peace. Now he would suggest that the magistracy should be purged of all such persons; and though it might be inconvenient, still a minister of firmness could effect it. As to the appointment of constables, he thought it ought to be by the magistracy; for if appointed by the Crown, they would soon control the magistrates themselves. The consequence would be, that few respectable persons would continue in the commission, and in a short time the magistrates would be amongst the lowest and most jobbing persons; which, he need not add, would only increase the evil. He had been told by a most respectable Irish magistrate, that he would not continue in the commission if this bill passed; for he would not submit to be controlled by a paid magistrate, or superintended by a set of constables. He had been much pleased when he heard of lord Wellesley's appointment to the government of Ireland; and his expectations were raised, when, in the commencement of the session, he was told to wait for the measures which were to be introduced with respect to Ireland. The present bill he looked upon as the promised measure, and he could not but consider it as lord Wellesley's. He had formerly heard of complaints against lord Wellesley's conduct in India; that he had acted there in imitation of Buonaparte, whose plan was, that every thing should emanate from himself,—that he and the people should only be recognized in the state, without admitting intermediate authority. The present bill went upon the same system, and he should therefore give it his decided opposition.

The Marquis of *Londonderry* said, that as there seemed to be but one feeling as

to the necessity of some remedy for the present state of the police of Ireland, it would be better to go into the committee on the bill, in which the details might be more properly discussed than in the present stage. The object was, to devise some remedy for an admitted evil: and he disclaimed, on the part of his right hon. friend (Mr. Goulburn), any desire to increase the patronage of government by it.

Lord *Althorp* said, that as he had a decided objection, to the whole bill in principle, he could not consent to go into a committee upon it: for no modification could reconcile him to it. The measure was in itself most arbitrary, and would lead to worse evils than those which it affected to remedy.

Mr. *Grant* said, he felt extremely sorry that he was bound to withhold his consent from the present measure. He was the more compelled to give this bill his decided opposition, because it had been under the consideration of the late government of Ireland, and had been rejected after having undergone considerable discussion. He allowed that it was the paramount duty of every government to see justice administered, and property secured; but there was another duty, scarcely less paramount—namely, to take care, that in administering justice and securing property, it did not sacrifice any great principle of constitutional freedom. Indeed, that was the whole distinction between a free and an arbitrary government. The object of both of them was to secure property; but the difference between them was, that in one case it was effected with a due regard to, and in the other at the expense of, every principle, civil, moral, and religious. The questions which every member ought to put to himself before he formed his opinion upon the present bill, were these—first, was there any evil at present in existence? secondly, if there was, was the remedy which it was proposed to apply of a stronger nature than the disease required? and thirdly, had every other remedy been tried, and tried in vain, before the present was proposed for adoption? Before he proceeded to discuss these topics, he should say a few words upon the nature and object of the bill itself. It went to place the whole of Ireland under an armed police, to subject it to a species of *gendarmerie*, and to render the whole magistracy of the country liable to the control of the lord lieutenant. Having said thus much regarding the general tendency of the bill, he would next proceed to observe, that with regard to the first of the three questions which he had proposed to the House, every gentleman seemed agreed. All concurred in stating the existence of great evil in Ireland, and the necessity of applying some remedy. Much had been said regarding the magistracy of Ireland, upon which it was unnecessary for him to make many remarks at present, as he had declared his opinion on the subject upon a former occasion. He had then spoken of them with the deference which was their due, and which he, for one, should always feel towards them. He could specify some persons among them, who, in periods of great public dismay and danger, had performed their duty in the most honourable, the most conscientious, and the most effective manner: but there were others of them who had been raised to the bench, for which they were not qualified, on account of the influence they possessed over local politics, the assistance they were enabled to lend to certain great personages, and the morbid sensibility which they had contrived to display on various occasions of public calamity. There were also amongst them men of ruined fortunes, who sought to repair the distressed state of their finances at the expense of the unfortunate persons who were placed under their control. A magistracy so constituted was not likely to agree well with itself; and hence it often happened, that one magistrate would bail a person for no other reason than because he had been committed by another magistrate with whom he was not upon terms of amity. Still, though this was the case, he did not mean to deny that there was a great body of virtuous magistracy in the country; for he would never consent to depreciate the whole of it, because some worthless persons had been admitted amongst them. This was the evil under which Ireland was at present labouring. Now he would ask, was this an evil in practice or in principle? Perhaps some gentleman, in consequence of that question, might ask him whether he objected to the system of the magistrates in Ireland acting gratuitously? To such a question he would reply in the negative, and would direct his questioner to shape the remedy more closely to the evil

which prevailed. The constables of the different baronies were often as ill-qualified for their situations as the magistrates were for theirs. The right hon. gentleman here described the manner in which these constables were appointed, and commented on the impropriety of appointing men to such offices who were parties to the local factions and animosities of the towns in which they resided. As a proof of the evil arising from such misgovernment, he stated, that in a barony where there were two magistrates not on the best terms of amity with each other, the two constables were at the head of the two parties into which it was divided. The two constables mutually applied to the magistrates with whom they were connected, for warrants to arrest one another; having obtained such warrants, each proceeded with a considerable force to execute them; and the two parties having met, a violent conflict ensued between them. Was this an objection, he would ask, to the principle or the practice of the present system? He should certainly prefer to see the system in Ireland approximate to that in England; but as that was not the question at present before the House, he would confine himself to the present bill, and would say, that the whole evil which it was intended to cure was to be found in the manner and the motives in which the magistracy and constables were appointed. If from a principle that was good and a practice that was not faulty, such consequences as they at present deplored had resulted to Ireland, he would say, that the system ought to be subverted; but when the practice was allowed on all hands not to be good, why were they to be called on thus suddenly to abandon the principle? Before they changed the principle of their system, they were bound to shew that every mode of correcting its practice had been tried, and upon trial had been found inefficient. Now, with respect to the magistracy, he would ask at once whether any attempt had been made to exclude unworthy persons from the commission? The reply must be in the negative; for though he knew that the appointments to the magistracy had been corrected in various respects, nothing effective had been done to change the system. In all the disturbances which had taken place, complaints had been made of their supineness, but no measures had been taken to remove it. So also with regard to the constables and the police. Had any law been made to correct the gross and palpable abuses of which these latter individuals had been confessedly guilty? No such thing: laws had been made to increase their salaries, and to regulate their emoluments; but no effort of law had been made to regulate the qualifications necessary to their appointment, either with regard to their age, their strength, their being perfectly illiterate, their being tithe-proctors, or their filling any other odious and obnoxious situations.—As to the revision of the magistracy, he knew that about two years ago the names of the whole body had been submitted to the lord chancellor, and that he had given up a considerable portion of his time to the investigation of the list. That revision was not, however, yet completed; and why, he would ask, was this bill introduced before it was so? It was unnecessary for him to remind them, that this bill was in itself a most important measure, and that it affected England equally as much as it did Ireland; for if they admitted an unconstitutional principle to be acted upon in Ireland, what security would they have against its being next year put in force in England.—With regard to the degree of strength which belonged to this measure, which was the second question he had propounded to the House, he would state at once that he thought it too strong. He conceived that a plan of less coercion might be devised—a plan which would compel grand juries to be strict in their examination of the constables they employed, to inspect them occasionally, and to render them at all times liable to the control of the magistracy. He was even of opinion, that gratuitous parochial constables might be introduced with great advantages into part of Ireland. A proof of the beneficial effect of such a plan was now visible in the county of Longford. A noble friend of his (lord Forbes) who had unjustly conceived his character to be compromised on account of the Peace-preservation act being enforced in his neighbourhood, had made the experiment of it in that county; and the experiment had succeeded in spite of the state maxim, that Ireland was never to be governed in tranquillity except by brute force. For five years that county had thus been administered; and he was happy to state, that there was not a

person in it, however powerful his faction, that could not be immediately seized, nor a fair, however riotous, from which a constable could not now immediately bring forth his prisoner.—The right hon. gentleman, after pointing out the benefits of such a plan as he had described, proceeded to argue that the bill had been prematurely introduced into parliament. Even if other remedies had been tried and found ineffectual in removing the evil, he should still doubt whether this bill would be more successful. He objected to it because it placed all Ireland under the control of one man, and because he saw that those parts of that country which had been intrusted to the care of upright and virtuous magistrates had enjoyed perfect tranquillity. He saw no reason why, because distressing events had occurred in some counties, all the thirty-two should be placed out of the protection of the law. He objected to it also, because it was at war with every principle of English policy, and because it tended to disunite, instead of to assimilate, the legislation of England and Ireland. He further objected to it, because he objected in general to the system, that the constitutional principles of government that were applicable to England were not also applicable to the sister kingdom. There were three great causes which appeared to him to have been most operative in producing the past and present distressed state of Ireland. The first was that system of coercive laws to which the government had had recourse upon very extraordinary emergency. He wished the House would consider how the government had proceeded from one extraordinary measure of legislation to another with respect to Ireland. Here the right hon. gentleman entered into an historical review of the legislative enactments for the preservation of the peace in Ireland, from the Whiteboy acts down to the present times, and then asked, what had been the result of the system pursued?—Security? No; it had excited feelings of ill-will, hatred, and revenge. It had revived a conviction in the minds of the lower classes of Irishmen, that the law was, upon principle, hostile to them, and that their governors in England felt themselves at liberty to resort to unconstitutional measures for the administration of Ireland, to which they dared not resort for the administration of England. The present bill, too, was another of their extraordinary measures of legislation intended for the benefit of Ireland, and one of its merits its advocates stated to be, that it was a preventive bill. It was on that very ground he objected to it; for if it was a preventive bill, it must be founded on a system of espionage; and the violation of public confidence, and the destruction of domestic tranquillity, must form the very soul and essence of it. To add the evils of such a system to those which had already desolated that unfortunate country was an act of which he at least never would be guilty.—The second cause tending to the injury of Ireland was, the habitual interference of the government in all matters of internal police. The combined operation of this cause with that which he had just mentioned, the blending of extraordinary legislation on matters of general government with extraordinary interference in matters of private police, had created a supineness among the gentry and inhabitants of the country that could never be sufficiently deplored. That supineness had led the way to humiliation; humiliation had led the way to want of self-respect; want of self-respect had led the way to carelessness in the discharge of public duty; and that carelessness to the abuse of all public trusts. It would be an idle waste of words to endeavour to show how certain such abuses were to produce mischief upon mischief, amongst those who were liable to suffer by them. The best means of removing them would be by using every exertion to excite feelings of self-respect and dignity in the minds of the magistracy of the country. Sorry was he to say, that this bill appeared to him likely to produce the very contrary effect. Some hon. gentlemen had stated, that if passed into a law, it would disgrace for ever the country gentlemen of Ireland. He was glad to hear that assertion made; because, whether that was the object of the bill or not, sure he was that such was its tendency. The right hon. gentleman proved this assertion by entering into a review of the details of the bill, and stated, that the assigning the care of a whole barony to a high constable was as disrespectful to the magistrates in it, as assigning the command of an army to a serjeant-major would be to the officers attached to it. Besides, all the magistrates were to be made subject to the order of the stipendiary magistrates. Could that be gratify-

ing to the feelings of an Irish gentleman? Certainly not.—The right hon. gentleman then proceeded to object to the bill, on the ground of the increased expenditure which it would create, and of the strength which it would give to the cause of corruption. Great reductions had been made in the different establishments of the state; but to what end had they been made, if a greater engine of corruption than had ever yet been used by an English government was immediately afterwards to be called into existence, and placed, not under the control of the Crown but of the lord lieutenant? According to the bill, there would be 5,000 well armed men continually under his orders; besides these 5,000, there would be 300 persons more, of vigorous minds and capacities, to control and command them; then there would be 10 or 12 well paid persons at least, to inspect them occasionally; not forgetting 25 stipendiary magistrates, who must be still better paid than their subordinate officers—all bound to act just as the lord lieutenant should direct them. Great as was the confidence he was inclined to place in the noble marquis now at the head of the Irish government, he could not consent to place such a power in his hands without any control or superintendance whatever. The present bill gave him the power of moving this force from one part of the country to another; and if he said that he did it for the good of the country, he could not be molested for so moving it. He did not think that the noble marquis would abuse the power so intrusted to him; but was it right to confide to any one man a power that was certain to lead to so much corruption? He thought not; and therefore he called upon the House to lend him their assistance in rejecting the present measure. In opposing it as he had done, he had discharged a most painful duty; but duty led him to oppose it, and he trusted that he should never shrink from performing what duty imposed upon him, especially when it was so closely connected with the welfare of the empire.

Mr. *R. Martin* said, that nothing short of this bill could restore peace and tranquillity to Ireland.

Sir *N. Colthurst* said, he could not join in the reprobation which had been directed against this bill. Much had been said of the imperfect and inadequate condition of the magistracy. Admitting that to be true, and that a reform of it were necessary, still even such a reform, useful as in other respects it might be, would be inadequate to meet the existing evil. The magistrates had not at present the means of executing the law. But it was said, why not reform the police? He doubted the success of the experiment, even if it were practicable to make it upon the present system. The attempt, however, would occasion a delay fatal to the tranquillity of the country. As the existing danger was great, the remedy ought to be immediate; and to be effective it ought to be strong. With respect to what had been said about the constitutional character of the measure, hon. members looked only at one side of the question. Did the gentlemen of the country who lived on their estates at the peril of their lives, enjoy the blessings of the constitution? His right hon. friend (Mr. Grant) declared himself in favour of a milder measure. If he held that opinion during the 5 or 6 years he was secretary for Ireland, why had he not himself tried the milder measure to tranquillize the country? Not having done so, was it not fair to infer that he did not think it would have been effectual?

Mr. *Grattan* was unfriendly to the bill, and hostile to the introduction of this description of stipendiary magistrates into Ireland.

Mr. *V. Fitzgerald* lamented that his right hon. friend's (Mr. Grant's) conclusion should have been at variance with the principle arguments of his able speech; for the whole weight of his arguments went to support the necessity of a complete alteration in the existing system. Believing the present bill, in principle, to be the best calculated for the purpose, and that its details could be modified in the committee, it should have his support.

Mr. *Brougham* said, that if the lateness of the hour and length of the debate would not deter him from trespassing on the House, the able and unanswered speech of his right hon. friend (Mr. Grant) would have had that effect. But he thought that, being unconnected with Ireland and having necessarily only superficial information to guide his judgment on such a subject, it would be well for him, and for other English gentlemen who thought with him, to show the sister kingdom that they were awake to her

condition. It was said that many of the objections to this bill might be removed in the committee. If any thing were obscure in the details, or capable of modification in the structure of the bill, then he should have consented to go into the committee. But his objection went entirely to the principle of the bill. He could not think of tolerating, for the first time in any part of this empire, as a regular and perpetual system, the introduction of a stipendiary police, to be appointed at the pleasure of, and their official existence rendered entirely dependent upon, the Crown. These stipendiaries were also to have a local superintendent to regulate them, uncontrolled by parliament, and amenable alone to the executive government, constituting as it were an intermediate legislative force, most unconstitutionally constructed. Besides, these stipendiary magistrates were to be connected with other magistrates, and were, in fact, to control them; for the constables were to be taught, whenever a difference of opinion arose between the one set of magistrates and the other, to obey the stipendiary magistrates. What gentleman disposed to do his duty could tolerate such an invidious confidence? He objected, therefore, to the whole principle and structure of the bill, and it would be in vain to hope for its adequate improvement in the committee. It was said, why not reform the magistracy? His right hon. friend who was taunted with not having tried mild measures, if he thought they would have answered the purpose, had tried to reform the magistrates; he had endeavoured to revive the system of the magistracy, and was far advanced in that necessary work when he resigned his situation. Why not have continued that revision, in preference to rendering a bad system perpetual by such a bill as this? So convinced was he of the utter inadequacy of this bill, that he would move as an amendment, "that it be read a second time that day six months."

Mr. *Grant* said, that an appeal had been made to him by an hon. bart. (an appeal involving a charge) to which he felt it necessary to give a reply; and he trusted the House would indulge him with their permission to do so. He had been asked, why, if he thought it practicable and right, he had not, while he held office in Ireland, introduced an improvement of the internal system of police in Ireland? Now, on this branch of public duty, two objects had engaged his attention, during the period of his official residence in Ireland,—a period not of five or six years, as the hon. baronet had made it, but of three years—the state of the magistracy, and the state of the constables.—Respecting the magistracy, he had, on a former occasion, stated to the House, that more than two years ago, the lord chancellor of Ireland, in consequence of repeated conferences with the government, entered on a revision of the magistracy, with the view of taking advantage of the opportunity afforded by the demise of the late king, to quash the existing commission, and issue a new one. Since that time, the chancellor had employed himself in procuring from all quarters, names of proper persons for the magistracy.—Mr. Grant said, he had no right to complain of the delay which had taken place in the completion of the list for the new commission; for it was certainly a matter of great difficulty and delicacy, and required much time and caution. In December last, the list, as the chancellor informed him, was finished, with the exception of two or three counties. It must by this time be quite complete. He thought it better, that the whole of the magistrates under the new commission should come, by a simultaneous proceeding, into action together, than that they should enter *seriatim*, and at different periods; and this for a reason he had already explained to the House.—With respect to the constabulary, he had very early taken into consideration various plans on the subject. And, after much deliberation and discussion, he had prepared a bill last session, which several of his hon. friends near him had seen and approved, and which he could not help flattering himself, might have been of use. Into the reasons which prevented him from bringing in the bill, he would not here enter, because they involved persons who were not present; and he was sure the House would feel, that he ought on this ground of delicacy to keep silence on the subject. But he would state,—and for the correctness of the statement, he might appeal to some hon. friends near him, and also to the noble lord, the late secretary for the home department, with whom he was in daily and intimate communication on the subject—he would state, that the bill was completely ready for introduction last session; that he was most anxious to in-

troduce and pass it; that it was not his fault, that it was not brought in; and that he had at last yielded to the necessity of deferring it, only because he thought it inevitable, and on the conviction, that during the recess, the obstacles and difficulties in the way would be surmounted, and he should then be enabled to carry the measure into effect in the subsequent session.

Mr. *D. Browne* said, that in the county of Mayo, the constables recently appointed by the grand jury had been found perfectly efficient. That mode of appointment, he was persuaded, was much superior to the proposed plan of appointment by the government.

Lord *Ebrington* opposed the measure, as being subversive of every thing like a free government in Ireland.

The question being put, "That the bill be now read a second time," the House divided: Ayes 113, Noes 59.

List of the Minority.

Abercromby, hon. J.	Lawley, F.
Barrett, S. B. M.	Martin, J.
Bright, H.	Milbank, M.
Brougham, H.	Monck, J. B.
Browne, Dom.	Marryat, J.
Buxton, T. F.	Newport, sir J.
Calcraft, J.	O'Callaghan, J.
Campbell, W.	Palmer, C. F.
Carter, J.	Power, R.
Colborne, N. R.	Powlett, hon. W.
Concannon, L.	Prittie, Hon. F.
Crompton, S.	Rice, T. S.
Creevey, T.	Ricardo, D.
Denison, W. J.	Ridley, sir M. W.
Duncannon, viscount	Rumbold, C. E.
Evans, W.	Robertson, A.
Fergusson, sir R.	Scarlett, J.
Forbes, C.	Smith, W.
Grattan, J.	Smith, R.
Glenorchy, lord	Sebright, sir J.
Grant, C.	Tremayne, J. H.
Gaskell, B.	White, L.
Hamilton, lord A.	Warre, J. A.
Hume, J.	Webb, E.
Hurst, R.	Western, C. C.
Hutchinson, hon. C. H.	Wood, alderman
Jervoise, G. P.	Wodehouse, E.
Kennedy, T. F.	Whitmore, W. W.
Latouche, R.	TELLERS.
Lemon, sir W.	Althorp, viscount
Lennard, T. B.	Ebrington, viscount.
Lushington, S.	

Ill-treatment of Cattle Bill.] Mr. *Buxton* rose, on the order for the third reading of this bill, and having stated some objections, recommended the hon. member by whom it was introduced, to withdraw it, for the purpose of introducing an amended measure next session.

Mr. *R. Martin* could not consent to abandon the bill.

Mr. *Monck* opposed the Bill, and moved, "That it be read a third time that day six months."

Mr. *Scarlett* opposed the Bill, not because he did not concur with the hon. mover, in disapproving of the ill-treatment of animals, but because the offences proposed to be punished by this bill were of too vague and indefinite a nature. Indeed, if the principle were adopted he could not see where the line was to be drawn, or why there should not be a punishment affixed to the boiling of lobsters, or the eating of oysters alive.

Mr. *Holford* expressed a wish that the hon. member would withdraw the Bill. He really should not, as a magistrate, know how to act, if a postboy were brought before him, under the present bill, for riding his horse too hard.

Mr. *R. Martin* said, he was satisfied of the propriety and justice of the measure; and, as he thought the majority of the House was with him, he should press it.

The amendment being withdrawn, the bill was read a third time, and passed.

HOUSE OF COMMONS.

Monday, June 10.

Corn Importation Bill.] The Marquis of *Londonderry*, upon the report being brought up said, that as there was so strong an opinion against the clause for grinding foreign wheat, introduced by his right hon. friend (Mr. Canning), he should feel it his duty to oppose that clause, and proceed in the bill without it. It would be in the power of his right hon. friend to bring that clause afterwards before the House in the shape of a separate bill.

Mr. *Canning* could not accept, at that period of the session, the compromise offered by his noble friend. He should, therefore, take the sense of the House on the clause. All parties were friendly to its principle, but some were apprehensive of abuse in the operation. His constituents were ready to acquiesce in any security or restrictions the Treasury might think proper to impose.

Sir *J. Sebright* considered the clause fatal to the agricultural interest.

On the question being put, for agreeing

to the clause, "That wheat may be taken out of warehouse and exported when ground into flour,"

Mr. *Curwen* said, that the clause could not promote the interest of the agriculturists, and might very seriously injure them, as it afforded no security against an unlimited quantity of corn finding its way into the home market.

Mr. *Bright* supported the clause, the provision of which he thought due in equity to the commercial interest. Had a similar advantage been proposed in 1815, the period of the last corn-bill, it would not, according to the then mode of taking averages, have been refused. The landed interest were under a most ill-founded alarm, when they apprehended that the existing Custom-house regulations could not suffice to prevent the illicit importation of foreign flour.

General *Gascoyne* said, that when the corn was warehoused it was entered for exportation; and it could make no difference in what form it went out. The petitioners did not ask for liberality, but equity and justice.

Sir *J. Sebright* said, the millers had assured him, that if the corn came into their mills, they would defy the Excise to prevent them from taking it out again as they thought fit.

Sir *T. Lethbridge* said, that the bill would be an inducement to the merchant to deal with the foreign grower instead of the British farmer. He looked on the bill as one of horror and abhorrence, and an insult to the landed interest.

Mr. *F. Lewis* contended, that the clause would be essentially serviceable to the landed interest.

Mr. *Denis Browne* said, that the clause would have the effect of encouraging the speculator in foreign corn, and of depreciating the price of our home produce.

Mr. *D. Gilbert* said, that if the clause were adopted, it would be impossible to prevent foreign flour from being smuggled into home consumption.

Mr. *Ricardo* said, that unless the agriculturists could show that injury would arise to them from the adoption of the clause, parliament should not hesitate to give to the foreign importer the proposed relief.

Mr. *Benett* was indifferent as to the fate of the clause; for if it were agreed to, it would probably endanger the whole measure, which was one of the most ruinous that had ever been devised.

Mr. *T. Wilson* thought there was something more in this clause than met the eye.

Mr. *Canning* said, he would not have brought this clause forward if he thought it would prejudice the agriculturist. He had introduced it with the same view which the country gentlemen had in supporting the general principles of the bill. They conceived the bill necessary to prevent a greater accumulation of agricultural distress. He conceived that his clause went to remove an evil which parliament were called upon to remedy. Still, however, much as he thought the clause necessary, he would not press it if he believed it could defeat the main objects of the bill; and whether it was agreed to or not, he should still vote for the bill. But he begged of the House to consider the situation in which the importers of foreign corn were placed. The House had already granted them a boon by which they would be enabled to send their corn from the warehouses at 10*s.* less than the price at which other foreign corn could be imported. This, which might be in some degree detrimental to the interests of the home grower, fully established the case of the foreign importer. How, then, under such circumstances, could that be withheld from them which would not be detrimental to the British agriculturists? It would be more fair to prohibit the importation of foreign corn altogether, than to deprive the importer of his advantage, whenever God's providence should render the corn so imported unnecessary to our national wants. If this principle was that upon which the country gentlemen meant to act, let them avow it plainly; but if they did not mean to go thus far, then he would maintain, that it would be unwise, unjust, and unfair, to turn that importation, which was at first calculated for the national advantage, to the ruin of the importers.

The Marquis of *Londonderry* agreed that the importers of foreign corn were entitled to some boon, but thought that by this bill they obtained no inconsiderable advantage—that of being enabled to bring their corn into the home market 10*s.* under the price at which it could be now imported. In opposing the clause, it was a consolation, that its rejection would not be attended with the ruin of those parties to whom his right hon. friend had alluded; because, if they wished to send out the corn ground into

flour to the West Indies, they had only to cross the channel, and with a very little additional expense they could have it there ground and sent forward. At the first mention of this clause, he was disposed to support it; but when he found that it excited so great an anxiety in the minds of the agricultural class, and that its adoption would hazard the whole measure, he felt himself bound to oppose it. The general measure he looked upon as a boon, not so much for the immediate relief of the agriculturists, as for their future protection.

The House divided: For the clause, 21; Against it, 116.

List of the Minority.

Bennet, hon. G.	Irving, J.
Barrett, S. B. M.	Lewis, T. F.
Blair, W.	Monck, J. B.
Courtenay, J. H.	Money, W. T.
Canning, right hon. G.	Martin J.
Cust, hon. W.	Ricardo, D.
Douglas, hon. K.	Stuart, sir J.
Ellis, C. R.	Thomson, ald.
Forbes, C.	Whitmore, W. W.
Gladstone, J.	TELLERS.
Hobhouse, J. C.	Bright, H.
Hume, J.	Gascoyne, gen.

HOUSE OF COMMONS.

Tuesday, June 11.

RESUMPTION OF CASH PAYMENTS.] Mr. *Western* rose, pursuant to notice, to bring forward his motion relative to the effect which the Resumption of Cash Payments had had in producing the present agricultural distress. Such was his conviction of the calamity which the resumption of cash payments had produced to the agriculturists, and, he might say, to all the industrious classes in the country, that he could not help making every effort in his power to bring it before the House and the country. He felt, that he had not the wit or the eloquence to charm their ears or arrest their attention; but still he was anxious to lay before them the result of that investigation of the subject, upon which he had been induced to enter. The object of his motion, he would state at the outset was, to arraign the wisdom, the justice, and the policy of the measure passed in 1819 for the resumption of cash payments; but in arraigning that measure, he did not mean to censure the motives, or to cast any exclusive blame on the conduct, of his majesty's ministers. He knew that it was the act of ministers, but in carrying it through, they were backed by majorities composed of the wisest and most independent members of both Houses He allowed the fullest weight to their character, abilities, and knowledge of political economy; but he could not believe them infallible, nor could he refrain from saying, that in this instance they had committed a great and fatal error. On the most mature reflection which he could bestow upon it, he could not hesitate to declare that the act for the resumption of cash payments was one of the most impolitic, and mischievous measures that ever was adopted in this or any other country. When he thus spoke of the measure of 1819, he did not mean to limit his expressions exclusively to the act itself, but to apply them to that series of measures extending over a succession of years, of which that act formed the continuity and result. He not only arraigned the wisdom and policy of that act in speculation, but he would go farther and assert, that to it all the difficulties and distresses under which the country had since laboured were mainly to be ascribed. In making this assertion he begged not to be understood as denying that there were many other circumstances that contributed to the melancholy result. He knew that the weight of our taxes, even supposing it had not been increased by any change in the currency, would have been sufficient to press hard on the springs of industry, and to detract largely from individual resources. He was ready to admit, that our agriculture had suffered severely from the defective state of the laws intended for its protection. He was not unaware of the opinion that tithes operated grievously on the land, nor did he shut his ears to the complaints so generally uttered against the poor-rates. But all these causes of distress — all these grounds of complaint — had existed for a long succession of years, without leading to calamities like the present. Under their operation, the country had thriven and prospered; and but for this unfortunate measure affecting the currency, would thrive and prosper still. This was the irresistible source of the general suffering. It pressed on every branch of industry; it affected every class of the community; it contracted every tendency to national improvement or prosperity. This position it would be one of his objects to support. If he could not make it appear that

it operated injuriously on manufactures, on commerce, on every species of industry, and every class of society, as well as upon agriculture and the landed interest—if he could not make it appear that every individual in the country, but fundholders and annuitants, suffered from the measure, he would then allow that he had taken up wrong ground. Nay, even on the interests of the fundholder and annuitant, its tendency was injurious, as it affected the ultimate security of their incomes.—The dividend of the fundholder and the income of the annuitant were pawns upon the general capital and industry of the country. They received drafts by which they were entitled to a certain portion of the general prosperity, and could obtain a definite proportion of the national revenue. On that prosperity, therefore, they depended for their incomes; and every thing which affected it affected the security for their payments. If he could not only make out that it operated injuriously on all classes, but that even the distresses which at present afflicted Ireland were to be ascribed to it, he would surrender his argument.

He would now briefly call the attention of the House to the very different effect in a moral point of view—to the very different amount of mischief—produced by lowering or raising the standard of money. If the standard was lowered, it was evident that in the same proportion the prices of articles would be raised, and the same nominal amount would not command the same quantity of commodities. On the other hand, as the value of money rose, prices fell. The fall of the one was equivalent to a rise in the other. He would take the instance of a man who had 1,000*l.* a year of income, and would suppose that his incumbrances were 500*l.* On the supposition that no change in the currency took place, he would have 500*l.* to spend. Suppose the value of the currency lowered 50 per cent, or one half, he would still have 250*l.* to devote annually to the supply of his wants. Suppose the value of the currency was again diminished one half, he would still have an income of 175*l.* which he could call his own; and if the circulation was still further debased, his revenue would suffer in proportion; but still he would have something, so long as money had any value. Take the reverse of this operation, and suppose that the standard of money is raised one half. The effect of the change would be very different on a man in the same circumstances. Suppose him to have 1,000*l.* a year, and that he owed 500*l.* He would still have 500*l.* remaining for his support, on the hypothesis that the standard remained unaltered: but if the standard was raised one half, and he had still to pay the 500*l.* he would be deprived of the whole of his income, and be left entirely destitute. He (Mr. W.) had heard of many cases of this kind, and wished to bring them before the House in detail; but he had been restrained by the reflection, that similar cases must be known to most members of the House, and that it would be vain to endeavour to convince those who were not already convinced of the distress arising from this source. Instances had occurred, and must occur every day, in which the property of the industrious was thus entirely destroyed. Morally speaking, therefore, the injustice and mischief were less by lowering than by raising the standard. The former created mischief, and was accompanied by dishonesty; the latter cut up by the roots all the funds that were necessary for the maintenance of the industrious classes, and endangered even the ultimate security of payments to the annuitant and fundholder, who were at first the only gainers by the change. It pressed particularly hard on the labouring classes who had borrowed money, as, by increasing the standard in which those debts were contracted, it proportionably diminished the reserved portion of their wages. Take the case of a labourer who had been obliged to borrow money to assist him in building his cottage. He was resolved to free himself from his incumbrance by setting aside a portion of his wages for the payment of his debts. If the standard remained unaltered, this would be found to be practicable: but, on the supposition that it is raised one half, and that his wages fell from 15 to 8*s.* while his fixed payments remained the same, he must be deprived of the means of subsistence, and be driven for relief to the parish. This difference between the effects of lowering the standard and raising, it should never for a moment have been left out of view.

He must now direct the attention of the House to the effect of the late act, in giving an increased value to the money raised in taxes, and thus augmenting the enormous burthens of the country in an exact ratio to the rise. Did not this require the most attentive consideration,

and was it not astonishing that it should have attracted so little notice? Did it not enter into the contemplation of those who passed the measure, that in one moment, and by a few lines of an act, they were adding to the public burthens, by the most moderate admission, 10 or 15 per cent. When they had deserted the ancient standard for 22 years, and had been imposing taxes during all that time in a depreciated currency, they ought to have reflected maturely on the addition which a rise in the value of the standard would make to the public burthens. He would now proceed to make a few observations on the late fluctuations of the currency; but the House needed not to be apprehensive that he was about to give a regular essay on the theory of money. He would only lay down some general principles on the functions and nature of money, and a metallic or mixed currency. The generality of writers had described money as a medium of exchange and a measure of value. Now though according to this definition, it formed no part of the real wealth of a country, it was essential to its character and functions that its value should remain as invariable as possible. The precious metals had been adopted as money, because, in addition to their other advantages of minute divisibility and universal estimation, they were more invariable in their value than other commodities. They were not, however, altogether invariable. Their value might be affected by the greater or less productiveness of the mines, by the discovery of new mines, or by other natural causes. They were likewise variable from other causes—the state of demand and supply. If the demand for gold increased while the supply remained the same, its value must rise. It might also be variable from other causes, such as the invention of a substitute for it in circulation. That substitute for a portion of it which might otherwise be required was found in a credit currency. If a credit currency were adopted, and only a portion of gold used for exchanging commodities, its value must decline in proportion to the amount of the paper. It was an undeniable principle, that as soon as a credit currency became a part of the aggregate currency of the country, the value of the gold must be affected by it, as by this means the demand for gold would be lessened. Had it not been for the existence of the paper, a greater quantity of the precious metals would have been required for effecting the business of exchanges, and thus the demand for them would have increased. This increased value would have created an additional burthen on all the industrious classes of the community. He would read two extracts, one from Mr. Locke and another from Dr. Adam Smith, which proved the invariability of a metallic standard, and even alluded to other commodities as being less variable than it. The hon. member read the following extract from Mr. Locke:—

"That supposing wheat a standing measure, that is, that there is constantly the same quantity of it in proportion to its vent, we shall find money to run the same variety of changes in its value as all other commodities do. Now, that wheat in England does come nearest to a standing measure, is evident by comparing wheat with other commodities, money, and the yearly income of land in Henry the 7th's time and now. For supposing that *primo* Hen. 7, N. let 100 acres of land to A. for 6*d*. per annum per acre, rack rent, and to B. another 100 acres of land, of the same soil, and yearly worth, with the former, for a bushel of wheat per acre, rack rent (a bushel of wheat about that time being probably sold for about 6*d*.), it was then an equal rent. If, therefore, these leases were for years yet to come, 'tis certain that he that paid but 6*d*. per acre, would now pay 50*s*. per annum, and he that paid a bushel of wheat per acre would pay about 25*l*. per annum, which would be near about the yearly value of the land were it to be let now. The reason whereof is this, that there being ten times as much silver now in the world (the discovery of the West Indies having made the plenty) as there was then, it is nine-tenths less worth now than it was at that time; that is, it will exchange for nine-tenths less of any commodity now, which bears the same propotion to its vent as it did two hundred years since, which of all other commodities wheat is likeliest to do; for in England, and this part of the world, wheat being the constant and most general food, not altering with the fashion, not growing by chance, but as the farmers sow more or less of it, which they endeavour to proportion (as near as can be guessed) to the consumption, abstracting the overplus of the precedent year in their provision for the next, and *vice versa*; it must needs fall out, that it keeps the

nearest proportion to its consumption (which is more studied and designed in this than other commodities) of any thing, if you take it for seven or twenty years together. Though perhaps the plenty or scarcity of one year, caused by the accidents of the season, may very much vary it from the immediately precedent, or following. Wheat, therefore, in this part of the world, and that grain, which is the constant general food of any other country, is the fittest measure to judge of the altered value of things in any long tract of time; and therefore wheat here, rice in Turkey, &c., is the fittest thing to reserve a rent in, which is designed to be constantly the same in all future ages. But money is the best measure of the altered value of things in a few years, because its vent is the same, and its quantity alters slowly. But wheat or any other grain cannot serve instead of money, because of its bulkiness and too quick change of its quantity. For had I a bond, to pay me one hundred bushels of wheat next year, it might be a fourth part loss or gain to me; too great an inequality and uncertainty to be ventured in trade; besides the different goodness of several parcels of wheat in the same year."—In another extract, the same distinguished authority gives—

"That if in any country they use for money any lasting material, whereof there is not any more to be got, and so cannot be increased; or being of no other use, the rest of the world does not value it, and so it is not like to be diminished; this also would be a steady standing measure of the value of other commodities.—That in a country where they had such a standing measure, any quantity of that money (if it were but so much that every body might have some) would serve to drive any proportion of trade, whether more or less, there being counters enough to reckon by, and the value of the pledges being still sufficient, as constantly increasing with the plenty of the commodity." The opinion of Dr. Adam Smith was not less strong on the same subject. He said, "the rents which have been reserved in corn, have preserved their value much better than those which have been reserved in money, even where the denomination of the coin has not been altered. By the 18th of Elizabeth it was enacted, that a third part of the rent of all college leases should be reserved in corn, to be paid either in kind, or according to the current prices, at the nearest public market. The money arising from this corn rent, though originally but a third of the whole, is, in the present times, according to Dr. Blackstone, commonly near double of what arises from the other two-thirds. The old money rents of colleges must, according to this account, have sunk almost to a fourth part of their ancient value, or are worth little more than a fourth part of the corn which they were formerly worth. But since the reign of Philip and Mary, the denomination of the English coin has undergone little or no alteration, and the same number of pounds, shillings, and pence, have contained very nearly the same quantity of pure silver. This degradation, therefore, in the value of the money rents of colleges, has arisen altogether from the degradation in the value of silver. And a little further on, Dr. Smith added, that "though the real value of a corn rent, it is to be observed, however, varies much less from century to century than that of a money rent, it varies much more from year to year." He would now say with respect to other commodities, and he would contend, that the increase in their price, and particularly in the price of wheat, arose almost solely from the alteration in the value of the currency. He would beg leave first to state what was the effect of the diminished value of money. And here he would observe, that he was not amongst those who thought that, during the restriction of cash payments this country had acquired merely a fictitious prosperity. He admitted, that, during that time, it had acquired a vast increase of real and substantial wealth, and with these an increase of the population in a ratio beyond all former periods. He admitted, that during 20 years of the war, the country had made most rapid strides in its agriculture, commerce, and manufactures, and that in every circumstance the increase of its real wealth had been greater than in other periods of its existence. This prosperity could not be called fictitious, because, at the end of the war, there did not remain in the country an extensive metallic currency, for a country might be very rich, and prosperous without it; but it could not be denied, that an increase had taken place in the wealth of the country and the comforts of the people, with an unexampled rapidity during the war, and that at the end of it there remained a vast accession of wealth, available for every purpose. He could

not then make a calculation as to how far this might have been produced by the altered state of the currency; but it was a fact, that a vast increase of credit currency had had the effect of giving a great stimulus to industry, at a period when the produce of that industry could be most advantageously applied. Without entering into any inquiry how far the increase of the currency of a country was calculated for its benefit, he would only say that it was a fact well known in history, that soon after the discovery of the gold and silver mines of America (though it produced a diminution of the value of money much greater than that which we experienced during the late war,) there had been a vast increase in the national wealth, and in the prosperity and comforts of the people. He would shew how the effect of that stimulus was estimated, by no less an authority than sir Francis Bacon. That great man published his work towards the close of the reign of queen Elizabeth, in answer to a libel published at that period:—

"There was never the like number of fair and stately houses as have been built and set up from the ground since her majesty's reign; insomuch that there have been reckoned in one shire, that is not great, to the number of 33, which have been all new built within that time, and whereof the meanest was never built for 2,000*l.* There were never the like pleasures of goodly gardens and orchards, walks, pools, and parks, as do adorn almost every mansion-house. There was never the like number of beautiful and costly tombs and monuments which are erected in sundry churches in honourable memory of the dead. There was never the like quantity of plate, jewels, sumptuous moveables and stuff, as is now within the realm. There was never the like quantity of waste and unprofitable ground, inned, reclaimed, and improved. There was never the like husbanding of all sorts of grounds by fencing, manuring, and all kinds of good husbandry. The towns were never better built nor peopled; nor the principal fairs and markets ever better customed or frequented. The commodities and ease of rivers cut by hand, and brought into a new channel; of piers that have been built; of waters that have been forced and brought against the ground were never so many. There was never so many excellent artificers, not so many new handycrafts used and exercised; nor new commodities made within the realm, sugar, paper, glass, copper, divers silks, and the like. There was never such complete and honourable provision of horse, armour, weapons, ordinance of the war. The fifth blessing hath been the great population and multitude of families increased within her majesty's days; for which point I refer myself to the proclamations of restraint of building in London, the inhibition of inmates of sundry cities, the restraint of cottages by act of parliament, and sundry other tokens of record of the surcharge of people."

This description of Sir F. Bacon, he (Mr. W.) felt to be an exact picture of the actual effects experienced in this country during the restriction on the Bank, during the period when what was called a fictitious currency gave a similar energy to the powers of this country. It was not competent to him to specify the precise proportion in which the increased currency contributed to that effect, but that it possessed a powerful and pre-eminent influence in producing it, he had no doubt. The amount of depreciation could not be measured by the difference existing between paper and the price of gold. The right hon. gentleman (Mr. Peel), the introducer of the bill for the restoration of cash-payments, had himself admitted, that the depreciation was to be estimated, not alone by difference between paper and gold, but in combination with the extent of the credit currency, which was co-existent.—The hon. member next observed, that in order to show how the price of corn had been affected by the alterations in the currency which he had described, it would be necessary for him to go back to its price for a long series of years. He had made calculations of the average prices at periods of five and ten years within the last century and a half; but, not to fatigue the house with such lengthened detail, he would state the averages for periods of 50 years. The average price of wheat in the first 50, ending in the year 1695 was, 44*s.* 9*d.*; that of the next 50 years was 38*s.* 1*d.*; and that of the third, up to 1793, was 44*s.* 2*d.*; this last differing from the first only in the number of pence. Let the House now look at the difference in the averages since 1793. The average price of the first 10 years, ending in 1803, was 79*s.* 11*d.*, or in round numbers he might say 80*s.*; from 1803 to 1813 it was 99*s.* The highest price at any of the periods he had

mentioned before the restriction was 52*s.*, whilst, within the first 10 years after, it rose to 80*s.* Now it could not be said that this increase was to be attributed to the war having increased the demand; and he would prove that it could not, by showing what the prices were at several periods of war, and in the years immediately preceding and following those wars. The average price in the 5 years before the war of 1756, was 34*s.*—during the war it was less. In 1763, the price was 37*s.*; in 1764, it was 41*s.*; in 1765, it was 48*s.*, and the average of the five years after the war was 45*s.* He would now come to the period of the American war, and it would be seen that the average price of the years immediately preceding was greater than that of the war itself. In the five years before the war, the average price of wheat was 51*s.* the quarter. During the war, it was 46*s.* In the first year after the war, it was 52*s.*; and the average of the five years after peace had been concluded, was 48*s.* 2*d.* From these circumstances it was clear that the price of corn did not necessarily increase with a war. The demand, it was true, would be likely to be increased, but there were a variety of circumstances by which the effect of that might be counterbalanced; whether by taking the gold out of the country or not, he would not say, but that the fact was so could not be denied.—He now came to another fact, which he derived from returns laid on the table of the House, of the quantity of wheat corn sold in the London market in the years 1812 and 1821 respectively. The result of those returns went strongly to corroborate the views which he took of this question, because, in the London market, the supply and the demand did not vary much from time to time. Now it was well known, that the population had increased in London since the year 1812, and therefore the demand must be supposed to have had a proportionate increase. Now what was the fact with respect to the quantity sold at the two periods, and to its price? In 1812, there were 386,921 quarters of wheat sold in the London market at an average price for the year of 125*s.* per quarter. In 1821, there were 385,535 quarters sold, at an average for the year of 50*s.* the quarter. Here, then, we had the extraordinary fact, that in the same market, with an increasing demand, one would suppose from an increased population, there was a less quantity of wheat sold in 1821, at 50*s.* a quarter, than in 1812, at 125*s.* a quarter. Now he should be glad to learn from what cause this difference proceeded, if it was not from the alteration in the state of the currency. He knew what had been, and would still be said, about a redundancy of corn in the market; but he attached no sort of weight to this assertion, for there was no evidence of the existence of any such redundancy as could produce the vast difference in the price which he had mentioned. He contended, that it arose from a scarcity of the currency, and not from a redundancy of the commodity. That it could not arise from a redundancy of corn was evident from this fact—that a corresponding reduction had taken place in all other commodities, in most of which it was not pretended that any redundancy had taken place.

He had shewn what the effect of the restriction for twenty-three years had been. He had now the disheartening duty to review the effects of the repeal of that restriction. When the right hon. gentleman (Mr. Peel) introduced that measure, he had adverted to the precedents established in the reigns of Edward 1st, of Elizabeth, and of William 3rd. At the time this argument had been used, it was met and refuted by such clear reasoning, that to attempt to repeat or enforce the same reasoning at the present moment would be taking up the time of the House in a very useless manner. There was no analogy whatever between the two periods. The reign of Edward 1st went back so many hundred years, and there existed such a difference in the situation of the country at that time and the present, that to attempt to draw any line of comparison would be quite absurd. The standard of the currency was restored in Edward the First's time, because the country was inundated with counterfeit money. In the reign of Edward 6th, the currency had become so debased from the violent alterations which it had undergone in the preceding reign, that some measure for its restoration became absolutely necessary. The cause of the violence used towards the currency was well known, and was described in the diary of Edward 6th, as having been done for the purpose of paying the king's (Henry 8th's) debts, and of cheating his creditors. This fact was also stated by several writers of that period, who all

concurred in their description of the extreme difficulties which existed at the time of settling any regular standard: but it should be considered, that this state of things did not exist for more than five or six years, and that it could not have had any very great effect upon general contract debts. It had not to operate upon an overwhelming debt of 800,000,000*l.*: but when the evil had arisen to its height in the 5th of Edward 6th, the ministers of that day were obliged to remedy it, and establish a regular standard; which continued, with little variation, down to the period of the suspension of cash payments by the Bank. But let the House look to the manner in which that restoration had taken place. In regulating the standard, the ministers of Edward 6th did not think of bringing it back to that state from which a departure had taken place 25 years before. By the 18th of Henry 8th, the pound of silver, or very nearly the pound—11 ounces 2 pennyweights of pure silver—was to be coined into 49*s.* From this, in the subsequent part of Henry's reign and the beginning of that of his successor, a great departure had been made; but when the currency was restored to a regular standard, it was not attempted to bring it back to its former state. The restoration was properly suited to the circumstances of the times; and instead of 40*s.*, the pound of silver was coined into 60*s.*, which was nearly continued down to the present day. Now, what did William the 3rd do? He did not alter the currency. There was a great quantity of debased currency in the country, which was called in; but even after the proclamation for calling it in, it was received in payment for taxes. Was there any analogy between that, and what had recently taken place with respect to our currency? He maintained that it was puerile to make the comparison. Was there any analogy between the alteration of William 3rd and that which we had recently witnessed—when 800,000,000*l.* of debt, contracted for the most part in a diminished currency, was required to be repaid in one of increased value, and at the expense of the most laborious industry, and, he would add, the best blood of the country? He maintained, that if the ancient metallic standard of currency had been adhered to, it would have been impossible for ministers to have continued to wage a most expensive war, on which so many millions of our national wealth had been exhausted. It would have been impossible for them to have been so prodigally profuse of the public treasure as they had shown themselves to be. Looking at the restriction merely in this light, he would say, that it was most ruinous; but when he took in its other effects, he did not hesitate to call it one of the most destructive measures that had ever been resorted to by any set of ministers in any country; and he was sorry to find that its pernicious effects were every day becoming more visible. It was undertaken by ministers in ignorance of the consequences which it was calculated to produce, and he regretted to observe, that they had proved themselves equally ignorant in the attempts which they had recently made to remedy their own evils. They had, in endeavouring to restore the currency to its ancient standard at once, brought about evils much greater than could have arisen from a continuance of the depreciated standard. He contended, that, if the House, now that it saw the dreadful effects which the measure had produced, from a feeling of false pride refused to enter into a farther investigation of it, it would be guilty of betraying the dearest and most important interests of the country. It was a very remarkable circumstance, that those two great writers, Locke and Hume, in considering the consequences which they anticipated from increasing the standard value of the currency by diminishing its amount, had exactly described the state of things which at present existed. He would read one extract from Mr. Hume, which was singularly clear on the particular effects in progress:—"For the exigencies and uses of money not lessening with its quantity, and it being in the same proportion to be employed and distributed, still in all the parts of its circulation, so much as its quantity is lessened so much must the state of every one that has a right to this money be the less, whether he be landholder for his goods, or labourer for his hire, or merchant for his brokage. Though the landholder usually finds it first, because, money failing and falling short, people have not so much money as formerly to lay out, and so, less money is brought to market, by which the price of things must necessarily fall. The labourer feels it next; for when the landowner's rent fall, he must either bate the labourer's wages, or not employ, or not pay him,

which makes him feel the want of money. The merchant feels it last; for, though he sell less, and at a lower rate, he buys also our native commodities, which he exports at a lower rate too; and will be sure to leave our native commodities unbought, upon the hands of the farmer or manufacturer, rather than export them to a market which will not afford him a return with profit."—Mr. Locke bore out the same opinion, particularly as it affected the condition of the labourer, who, by such a course, was likely to be driven into a state that would deluge the country. What would have been the opinions of these great authorities, if they had viewed that question under the overwhelming pressure of the taxation of the present day. It was not by payments in money that that pressure could be fairly estimated. We were now paying a taxation amounting to 60,000,000*l.* per annum. It was not by pounds, shillings, and pence, that any man could form a just estimate of the pressure of such an amount of taxation. It must be estimated by the price of commodities, on the sale of which the power of paying it depended. In that view he should make a conversion of these 60 millions of taxes into the amount paid according to the value of commodities or of labour, and from thence he should establish the proof, that in 1821, to meet 60,000,000*l.* taxation, we were paying nearly double in the article of corn that, which we were paying in 1813, to meet a taxation of 74,674,798*l.* He begged pardon while he read what appeared to him a clear statement, in confirmation of this argument, taken from official documents:—

"That it appears from the Financial volume of 1813, that the taxes levied in that year, in the United Kingdom, amounted to 74,674,798*l.* and that the price of wheat being that year 108*s.* 9*d.*, 13,733,296 quarters were sufficient for the payment thereof.

"That, upon the supposition of the price of wheat being 81*s.* 4*d.* which was the average of the period from 1798 to 1816, 18,362,625 quarters of wheat did suffice to pay that amount of taxes.

"That, from the Financial volume of 1821, it appears, that the taxes amounted to 60,671,825*l.*; that the price of wheat was 55*s.* 4*d.*; and that, to discharge the payment of these taxes, it requires 21,863,720 quarters of wheat, or nearly one-half more than in 1813; the taxes then being 74,674,798*l.*

"That the price of wheat of the present year is 45*s.*, at which price, 26,965,255 quarters are required to pay the present amount of taxes, or very nearly double the number of quarters which were sufficient to pay 74,674,798*l.*, the amount of taxes in 1813.

"That in 1813, the price of gold being 77*s.* 6*d.*, 15,657,245 ounces are necessary to discharge taxes to the amount of 60,671,825*l.*

"That in 1813, the price of labour being 16*s.* per week, the labour of 5,000,000 of persons in 18 weeks, 4 days, did then suffice to pay the taxes of that year, being as above stated, 74,674,798*l.*

"That the price of labour being now 9*s.* per week, it requires the labour of 26 weeks and six days, to accomplish the payment of the present amount of taxes, viz. 60,671,825*l.* or nearly one half more than was sufficient in 1813. That at 8*s.* per week, it requires 30 weeks and two days, or nearly double the labour requisite in 1813.

"That upon the supposition that all commodities have fallen 40 per cent, only within the last seven years, taxes require an increased quantity in that ratio for their discharge; so that 60,671,825*l.* require as many commodities as would have sufficed seven years ago to discharge 84,940,555*l.*

"That in 1813, the taxes, county assessments, and poor-rates, together, amounted to 83,063,772*l.* which were paid by 15,276,096 quarters of wheat, or by 15,102,504 ounces of gold.

"That in 1821, the taxes, county assessments, and poor-rates together amounted to 69,171,825*l.*, which require 24,926,784 quarters of wheat, or 17,850,793 ounces of gold; being half the quantity more in wheat, and 2,748,229 ounces of gold, in 1821 than in 1813. In 1822, the quantity of wheat required would be more than double.

"That the amount of money expended for relief of the poor in 1813, was 6,294,584*l.* being equivalent to 1,157,625 quarters of wheat at the average price of that year, viz. 108*s.* 9*d.*, and to 1,171,085 ounces of gold at 110*s.* Whereas in 1821, estimating the amount of money expended for relief of the poor, at 7,000,000*l.*, being 329,594*l.* below the average of 1821, viz. 55*s.* 6*d.* will be 2,400,000

quarters, and in gold at 77*s.* 6*d.*, 1,871,000 ounces."

From the same process of calculation it could be clearly shown, that the amount of taxation in 1813, ought to have been 110,000,000*l.* before it could be said to equal the pressure of the present taxes. It was therefore evident, that the value of the articles which had been introduced into those calculations had been reduced at least 40 per cent. He had various documents to illustrate his position. The first document which he would quote, was a return of the official and declared value of various articles. The House was aware, that what was called the official value was a value laid on articles about a hundred years ago, and which served at present rather to declare the quantity of those articles than any other purpose. In 1814, the declared value exceeded the official in a sum of 8,758,555*l.* In 1821, the official value exceeded the declared by 4,500,000*l.* In 1814, the declared value exceeded the official by 30 per cent. In 1821, it was lower than the official value by 12 per cent, which evidently showed that a depreciation had taken place of 42 per cent. The effect of the alteration of the value of the currency in this country was felt in other countries. At Bourdeaux, the prices had fallen 15 per cent; at Amsterdam 25 per cent; and in England 40 per cent. All this depreciation, with the evils arising out of it, were fairly attributable to the price which money now bore; or, in other words, to the operation of the restored ancient standard. To this was to be attributed, that the commercial world was engaged in mercantile pursuits, from which they obtained no remuneration for risk or the use of their capital, and that the manufacturing world, though enabled again to occupy the usual hands, was content to be at work without profit, rather than let their machinery lie idle.

He should next proceed to consider what was the present situation, and what would be the situation of the public creditor, if the act for restoring the ancient standard of the currency had not passed. By the parliamentary accounts, it would appear, that in the 25 years subsequent to 1793, not less than 670,376,000*l* of public debt had been incurred. The average price of wheat, in the year subsequent to 1793, was 78*s.* 5*d.* The consequence of which was, that, at the rate of stock in that day, the fundholder could only get 25½ quarters of wheat for his 100*l.* 3 per cents. But if stocks were, as they were now, at 80, they would receive 67 quarters of wheat for 100*l.* stock; if at par, 79½ quarters. The average for 25 years had been 78*s.* a quarter; so that during all these years, the public creditor had been receiving 34 quarters of wheat for his stock, whenever he chose to sell it, which, when he bought, it was only worth 25½ quarters of wheat. By comparing the average prices of the years immediately following 1797 and the three last, and taking into consideration the annual public charge of the two periods, it would be found, that we were paying 62 quarters of corn to the fundholder for every 29 quarters we had received when the debt was created. He thought these calculations would show that it was open to the House to return to the standard adopted after 1797, or at least to some other remedial measure, with a view to decrease our present difficulties, without violating the national faith to the public creditor.—In the next place, he thought it would not be difficult to prove, that the poorer and lower classes sustained as great injury by the measure of 1819, as the more wealthy and opulent. This was capable of being proved on simple and natural grounds. He would admit, that the amount of the poor-rates had decreased of late, as to their nominal amount; but he would show, that they were in point of fact doubled, seeing that they now required double the money produce of the quarter of wheat to what they did in the year 1813. The amount of the poor-rates in 1813 was such, that it required 1,157,000 quarters of corn, at the price of that day to pay their amount; whilst, in 1821, it required the produce in money of 2,500,000 quarters of wheat to pay them. Who, then, would tell the farmer that the poor-rates were decreased, or the burthen lightened, seeing that it took from him now double the quantity of the produce of his farm to pay those poor-rates, than it did in former years? The effects of the return to cash payments might be traced even in the increase of crime. In the year 1819, the years after the passing of this act, the number of criminals had increased in a frightful proportion to the state of dire distress which followed. It was in vain to ascribe the prevailing

public distress to any other cause than the operation of this bill. There was an abundance of every kind of produce in the country; but the real and unfeigned source of the evil, as it was at present strikingly displayed in Ireland, was the want of an adequate remunerating price for labour. How could the industrious labourer go on when his employer was ruined? The fate of the former was necessarily involved in that of the latter, and the ruin fell alike upon both.

It was the vast importance of the subject, the calamitous consequences which were involved in it, that alone compelled him to trespass upon the attention of the House. The measures which parliament had pursued respecting it, had led to a course of unprecedented difficulty. It was true, that when the change was wrought, the situation in which the country was placed, was altogether novel: they had at the time no precedent to guide their steps, and thence they had fallen upon peculiar and calamitous difficulties. These they must now face: towards them they must steadily direct their views, and not basely turn their backs upon the danger. For his part, he had done his duty by summoning parliament to a consideration of the subject. The country demanded the inquiry; for it now felt the condition in which it was placed, and could trace the source and progress of the evil. There were many who now admitted it, though at the time they had not foreseen the consequences of the step which had been taken; and which, if unchecked, must lead to the utter ruin of the country. There were, he knew, many who did not foresee the consequences of resuming the ancient standard of value, from which the country had for so long a period departed—who had not brought their minds to the deep consideration of the inevitable effect of the resumption of cash payments, in the manner in which the bill had effected them. That deep consideration wholly escaped the attention of parliament at the time. What had exclusively occupied their inquiry was simply the capacity of the Bank to fulfil its engagements, and pay its notes in specie—that was the basis of the investigation, and nothing further was comprehended in the inquiry. The Bank, indeed, gave some broad hints of what might be the result; but, generally, that branch of the consideration was overlooked by the committee. There never was an instance in which a country, after so long a departure from its ancient standard, had recurred to it in the manner this country had done, under the provisions of the right hon. gentleman's plan. For a period of 22 years the ancient standard had been departed from to such an extent, that immense contracts had been made through a different medium—a debt of 800 millions had been incurred during that time, and operations of credit had been simultaneously conducted to an unheard-of extent. Notwithstanding these impediments, they had reverted to the ancient standard, which it was quite impossible, under the change of circumstances in the country, they could persevere in maintaining. He was not insensible to the risk and possible danger of revising this standard: he knew that difficulties must attend the subject in any way in which it could be taken up: but they had only a choice of difficulties, and must at once make their selection: they must take that course which was likely to create the least injury, and best suit the ultimate attainment of the country's prosperity. The course which he meant to recommend would, he had no doubt, conduce to that result—the public creditor would have his dividend duly paid—the burthens of the people would be lightened—and the general prosperity of the country would be established. By what process did he mean to accomplish such an object? Only by the substitution of a system which should give to the products of industry of every description, the same relative money price, which they commanded during the suspension of cash-payments, and secure a fair and reciprocal remuneration for the general industry of the country. With a view of bringing about so desirable an object, he would now move, "That a Committee be appointed to consider of the effects produced by the act of 59 Geo. 3rd c. 49, intituled, "An act to continue the restrictions contained in several acts on payments in Cash by the Bank of England, until the 1st of May, 1823, and to provide for the gradual resumption of such Cash payments, and to permit the exportation of Gold and Silver upon the Agriculture, Manufactures and Commerce, of the United Empire, and upon the general condition of the different classes of society."

The motion having been put by the Speaker,

Mr. *Huskisson* spoke in substance as follows:—

The subject which the hon. gentleman has brought under the consideration of the House is one of the greatest magnitude. It involves nothing less than an alteration of that standard of value by which all property is secured, and all pecuniary contracts and dealings measured and ascertained. The course suggested for the attainment of this object is pregnant with consequences of the most fearful importance. These considerations—the magnitude of the subject, and the alarming consequences to be apprehended from the present motion—will, I trust, be sufficient to induce the House to afford a patient hearing to the discussion, without any personal appeal to their indulgence, even from an individual standing so much in need of it as myself.

I have listened with every attention in my power to the statements and doctrines of the hon. member, during his long and elaborate, but able speech. Some parts of it I have heard with surprise; other parts, I must candidly confess, with regret;—surprise, at the view which he has taken of the subject, and the extraordinary positions which he has laboured to establish;—regret at some of his inferences and suggestions, which appeared to be incompatible with every principle not only of private right and individual justice, but of public honour and national faith: although I feel perfectly assured, that, in all the relations of public or private life, there is no man more incapable of countenancing any wrong doing than the hon. member for Essex.

It was my lot to be a member of the House of Commons, in the year 1797, when cash payments were, for the first time, suspended. I have continued to enjoy the honour of a seat in this House for the long series of years which has since elapsed. During that period I have not been an inattentive observer of the proceedings in parliament, and of the effect of those proceedings, in respect to the currency. In my opinions upon this subject, it was my misfortune, in 1810, to differ from some distinguished members of this House to whom I was personally attached, and in whose political views I had generally concurred; but having formed those opinions deliberately and conscientiously, I could not honestly withhold them from the public. I shall not at present advert more particularly to those differences, or to the measures adopted by this House after the report of the bullion committee; but I own that if I had been uninformed of all that had passed on this subject since the suspension, the speech of the hon. gentleman this evening would have led me to infer that it had been something of this sort.—First, that the liability of the Bank to pay all its notes on demand in the legal coin of the realm having been suspended in 1797, a difference had ensued between the nominal value of those notes and the real value of the coin which they purported to represent:—and Secondly, that this difference had been acknowledged by the legislature and acted upon by the public;—that it had been allowed and compensated for in the adjustment of all pecuniary contracts made prior to the suspension;—that all dealings since had been made in reference to that difference;—and, consequently, that it was a difference, which, however fluctuating in its degree, was at any time capable of being ascertained by exact measurement, and set right by specific adjustment.

I should further have been led to infer, from the reasoning and statements of the hon. member, that at some period of this long suspension (perhaps about 1811, when the difference between the nominal value of the paper and the real value of the coin was very considerable), an attempt had been made in parliament to prevent that difference from being any longer acted upon in the adjustment of pecuniary contracts; and that, for this purpose, it had been proposed to enact, that all such contracts should be satisfied by a tender of Bank notes at their nominal value, and to inflict penalties upon any one who paid a guinea for more, or received a Bank note for less, than its denominative amount. But I should have felt quite sure, that this attempt, whenever made, had been rejected with scorn and indignation by the House, and particularly by the landed interest:—that the leading members of that interest had vied with each other in denouncing the iniquity of a proposal calculated to defeat the just claims of age and infancy—to rob a parent of a part of that dower which had been allotted to her, in the old standard of the realm, long before the suspension of cash payments—to defraud orphan brothers and sisters of a considerable portion of those fortunes, which the will

or marriage settlement of their father had assigned for their education, and maintenance in the world;—or if there was no widow to be curtailed of a part of her jointure—no orphans to be stript of a share of their inheritance—was there no unfortunate mortgagee (possibly a near relation or friend) to be deprived of a part of that interest which he had stipulated to receive in the same standard of value in which he had advanced the money for his mortgage? What! could it be expected that the great land owners would suffer such a proposal as this to be entertained, doing such violence to their love of justice, so offensive to their best feelings as men, at a moment, too, when they were conscious that their estates, whether liable to the portions of younger children, or charged with dower, or incumbered with mortgage, had doubled in rent since the commencement of the suspension?—and if their personal feelings revolted at a suggestion which was calculated to injure those who were near and dear to them, their public feelings were surely equally repugnant to the idea of a measure not less fraught with injustice, and calculated to blight our national character, in the instance of the public creditor.

This is the supposition which, in ignorance of all that had really taken place, I should have drawn from the general tenor of the hon. member's speech; but it would even have led me one step further I should also have imagined, that the ancient standard of value being now restored, some of those same creditors who had been so equitably dealt with during the departure from it, were at this moment claiming the higher nominal payments which they had received during the depreciation, and that the hon. member had come forward this evening, very properly, to claim the interposition of the House against such an unfair demand on their part.

But, Sir, instead of this having been the real state of things, what is the course which has been pursued since the suspension of cash payments? Did the legislature recognize a difference between paper and coin? Were pecuniary transactions adjusted with a reference to that difference? Were dealings entered into, or contracts made, under stipulations founded on that difference? Did not the law, on the contrary, compel every creditor, whether public or private, whether his contract was prior or subsequent to the restriction, to accept payment in Bank notes, according to their denominative value? Did not that same law prohibit him, under severe penalties, from having reference to any other than the nominal value of the currency in the adjustment of any pecuniary transactions, either retrospective or prospective? If these were the regulations in force during the depreciation, what is proposed now that money is restored to its former value? Why, that having had hitherto one measure of justice for the creditor, we should now have another measure of justice for the debtor:—that the latter having been protected by our law in paying according to the nominal value, when that value was less than the standard in which he had contracted, he should now—and for no other reason than because that standard is restored—be protected by another law in paying less than that nominal value? It is no sufficient answer, to state—"that most of the pecuniary contracts now in force have been entered into since the year 1797, and that they were contracted in a depreciated currency." Be it so for the sake of argument.—But then all contracts prior to 1797 have been liquidated in that same currency. By what rule of right can you allow for its depreciation in the one case, and not in the other? By what designation would any impartial man describe that equity which should grant an abatement of interest upon the debt of 1811, and refuse a compensation for interest paid short upon a debt prior to 1797?

This, however, is the new principle of equity which the speech of the hon. member inculcates, and which it is the object of his present motion to establish, as a remedy for all the injustice of depreciation, and all the evils which now press upon the country. He has taken a distinction between the interference of the state to decrease, or to increase, by artificial means, the denominative value of money;—and what is that distinction?—Is the one course more moral or more just than the other? This indeed is not the position of the hon. member,—but that it is politically more expedient. A constantly progressive depreciation of money, is, according to the doctrines of the hon. member, the great secret of public prosperity. This is no new theory. He only proposes to revive the scheme of the famous Mr. Law in a more mitigated shape. If once adopted by any country, it must end, as

his scheme ended. You may retard its progress to maturity, but you cannot perpetuate the delusion. You must either retrace your steps, or the bubble must burst at last. This was the fate of Law's scheme, as it must be of any project founded on the principle now recommended to the House. During the existence of that scheme, what country was apparently so prosperous as France, what financier so popular as Mr. Law? Exultingly mentioned by a French political writer of that day, in the following terms "a minister far above all the past age has known, that the present can conceive, or that the future will believe." — Mr. Law, it is true, outlived his popularity and his scheme. He brought distress and ruin upon thousands, and died himself in misery and want. The more wary theorists of the present day might prolong the duration of artificial excitement, but they could not prevent the final decay and overthrow of the system. There is no escape from this result in any country that has once, through inadvertency or a temporary necessity, lost sight of a fixed standard of value, except by its restoration.

This restoration, I know, cannot be effected without pressure and difficulty. But I cannot admit the justice of the distinction which the hon. member has taken between the loss to the land-owner by an increase in the value of money, and the loss to his creditor by its decrease. The hon. gentleman's illustration was this—"By decreasing the value of money to one half," he said, "you reduce the creditor of 500*l.* a year to 250*l.*, and again by decreasing that sum to one-half, to 125*l.* but still he is left with some income, Now, on the other hand, a man who purchased an estate having a rental of 1,000*l.* a year, when the value of money was decreased one-half, is reduced to nothing if money is restored to its former value, and the purchaser has to pay 500*l.* a year out of the estate."

Passing by, for the present, the right of any government in which the nature of property is understood, and the principles of justice respected, artificially to raise or lower the standard of value, let us examine a little more closely this practical illustration. Let me for a moment reverse the *data* of the hon. member's comparison, which, ingeniously enough for his purpose, assumes the land owner to be in debt, and the monied man without any similar demand against his income. Let me suppose on the one side, a land owner with an estate unincumbered, and his rent doubled from 500*l.* to 1,000*l.* a year during the depreciation, and on the other, a monied man, who, with 500*l.* a year in the three per cents purchased at 90, had borrowed one-half of the purchase money, and found himself compelled to repay it when the price had fallen to 50*l.*;—or, to come still nearer to the hon. gentleman's comparison, take the case of an income of 1,000*l.* a year, liable to an obligation to pay abroad an annuity stipulated for in some foreign currency. If that annuity had been satisfied with 500*l.*, when the exchange with such foreign country was at par, it would have required the whole income, when by depreciating our own money one half, the same exchange was turned in that proportion against us. But I must protest against this description of argument altogether. The price of land may rise or fall from natural causes, as may the price of commodities. Every holder of the one or the other is liable to such fluctuations; but that which is the common and fixed measure of all price is not to be tampered with and adjusted, to countervail these fluctuations. In this country, where gold is the standard of value, what is it which the parties stipulate for, and the state guarantees, in every contract for a money payment? Why, that the sum tendered, in satisfaction of such payment, shall not be less in weight and fineness than is required by the standard; but the contract does not stipulate, neither does the state guarantee, that the quantity of gold contained in that sum shall bear at all time to come the same value, in relation either to land or to other commodities, as it did at the time when the parties contracted together. It is among the highest and first duties of the state, in relation to property, to maintain that guarantee inviolate and immutable, and it is because we have neglected that duty, that we are now suffering all the evil consequences of that neglect.

But, admitting that a certain *quantum* of injustice has been done to one class of the community during the suspension, and that now by its removal, a consequent degree of injury and hardship is inflicted upon another, does it follow that we are either to perpetuate and aggravate the first injustice, or that it is wise or practicable to attempt to

revise and re-adjust all the pecuniary transactions of the last twenty-five years? The hon. member, indeed, seems to think that nothing is more simple than the first of these courses, but he only looks at one side of the question. He puts the case of hardship to the land-owner who encumbered his estate during the depreciation; but let me ask him to recollect the mortgagee who lent his money before that event. Let me suppose the hon. member himself (and there is no man to whose candour and sense of justice I would with more confidence apply myself in this illustration) to have two mortgages upon his estate—the one dated in 1796, and the other in 1811. How has he hitherto settled with his two creditors, and how does he propose to settle with them now? Has he two measures of justice and value,—one for the creditor of 1811, and another for the creditor of 1796? What the hon. member now says to the mortgagee of 1811 in substance is this, "When I signed your mortgage the currency was depreciated 40 per cent, and my rents have since fallen in nearly the same amount: if, therefore, I now reduce your claim in that proportion there can be no real injustice." Against the fairness of this proposal what says the mortgagee? "I lent my money," he replies, "without reference to that difference, and I produce the act of parliament which prohibits any such reference:—I further appeal to the repeated and solemn declarations of the legislature, that cash payments should be resumed on the restoration of peace. I ask, if the depreciation had increased from 40 to 60 in the first year after our contract, and from 60 to 80 in the year following, would you (the mortgager) have compensated me for these differences; or would you not, if it had suited your convenience, have paid me off without any such compensation? If you did not pay me off, it may be, because you assumed that the value of money would go on further diminishing from year to year, but you had no right to assume that it might not be the other way; and, at any rate, you were distinctly forewarned that, in one contingency, which from the nature of things could not be very remote, the ancient standard was to be restored." Notwithstanding this answer, conclusive, I conceive, as to the strict legal right of the creditor, it may be said, that the case of the debtor may be such as to entitle him to an equitable consideration. Be it so. But then what becomes of the other mortgagee who had lent his money in 1796? Has he been paid during the whole of the suspension in depreciated money? In 1811, for instance, did his debtor force him to accept payment in the currency of that year? Did he tender to him Bank notes, depreciated, as he says, forty per cent, together with the act of parliament which prohibits any reference to that depreciation? Against such a tender, backed by such a law, what would the mortgagee of 1796 have to urge? Might he not say,—"At the period when I made this advance, I relied on the public faith. The money which I lent you was of due weight and fineness; according to that standard which had remained unaltered since the reign of Elizabeth. To preserve that standard for ever inviolate, I knew was the declared policy of the state, and that parliament, in each succeeding reign, had passed laws for that purpose. Resting upon an unbroken pledge of near three centuries, upon the positive enactments of law, upon the universal understanding of the country, upon the obvious justice of the case, upon the avowed intention of parliament, recorded in every statute that imposed or continued the suspension,—that cash payments should be resumed as soon as possible, and upon the implied assurance, involved in this declaration, that it was not intended, by these temporary suspensions, to alter the standard of our money;—upon all these grounds, I claim to be paid with reference to the existing difference between Bank notes and that standard." "No!" replies the mortgager, "Here is a law which forbids that reference, and by that law I will abide, whether the difference be 40 or 80 per cent, whether the rent of my estate upon which your mortgage is secured, has been doubled or tripled in consequence of that difference."

Now, I ask of the hon. member, in these two cases, could he claim an equitable adjustment in the one, and refuse it in the other? Could he require an abatement upon one mortgage, without accounting for the arrear due upon the other? If the two mortgages were held by different persons, I will not say that the man does not exist (certainly not the hon. member,) who might, and perhaps would, contend with each separately for such an arrangement; but, if both securities were held by one and the same indi-

vidual, it would require no small share of ingenuity to satisfy *him*, that he was about to receive an equal measure of equity in both instances. For my own part, I should as little envy the casuistry which could countenance, as I should the justice which could award, such a decision.

But, whatever may be the difficulty in respect to mortgages, would an equitable adjustment be more easy in other pecuniary contracts, for instance, with the public creditor? Far from it. Here the principle is the same, but the difficulty would be a thousand fold. In the mass of the public debt, can we distinguish each separate loan, and the original subscribers to that loan; and if we could, can we hope to trace, and unravel, and identify, every separate purchase and sale connected with that debt, between the year 1797, and the present time? How should we distinguish the *bona fide* holders prior to 1797,—those who became holders during the depreciation, and during each different stage of it,—and those who have become holders since the year 1814 or 1819?—and if we could distinguish them, must we not trace the money of each purchase since 1797, through all its previous career? Can we hope to follow every Bank note through all the transactions, and to fix the date of each, in which it has formed a part? It may, for instance, happen that the present holder of any given quantity of three per cents, purchased when paper was at its greatest depreciation, had made that purchase with money received in discharge of some old mortgage. Is he to be amerced, or is the loss to fall upon the seller of the stock who received that money, or upon the mortgager who paid it? or are we to trace this particular sum in all its component parts, divided and re-united in a thousand different ways, through all its prior and subsequent combinations, and to follow it up through all their ramifications? To attempt such a task would be as hopeless as to endeavour to identify, in the great mass of waters, the particular share of each tributary stream which has emptied itself into the ocean, for the last twenty years.

The same difficulties would occur in the revision of all the private transactions of the community; and if we are to engage in this undertaking, we shall not satisfy the equity of the case, unless it embrace, not only all pecuniary contracts existing prior to 1797, and all which have been made since, and which are still in force, but likewise, all which have been closed and settled. Surely, every man must see that this is impracticable; that it cannot be entertained without involving all the dealings of the community in inextricable confusion, and that any partial application of a principle, which nothing but a general re-adjustment could justify, would only tend to destroy all confidence and credit, and to aggravate all the evils which it is intended to remedy.*

In arguing upon an assumed depreciation of 40 per cent, I am anxious to be understood as not admitting, that, upon an average of the whole period, or indeed at any part of it, the depreciation actually reached that extent. The hon. member says, the depreciation is not to be measured by the difference between the mint and the market price of gold. I should wish to ask him by what other test he would determine its extent? If, in 1811, it was open to any man, in any part of Europe, England excepted, to have bought 100 guineas (or 105*l.*) with 130*l.* in Bank notes, how can it be contended that the difference between the nominal value given and received, was not the measure of the depreciation of the paper? I can conceive no other measure; although I not only admit, but have uniformly maintained, that, having once parted with all our coin, we could not again resort to a metallic currency, without, in some degree, raising the value of the precious metals all over the world. This is a good reason, as I have stated before to this House, for using them as sparingly as possible, and for maintaining the circulation with as small a proportion of gold as is consistent with the preservation of a metallic standard. But, in as much as any diminution in the value of the precious metals, either from *natural* causes, such as an abundant supply from the mines, or from *legitimate* causes, such as the substitution of paper, really payable on demand, or the other contrivances of credit—involves no breach of his contract, however prejudicial to the creditor; so, on the other hand, an increased demand for the precious metals, in this or in any other country (for the effect would be the same should the demand arise elsewhere), or a diminished supply from the mines, affords no ground for the interference of the state with the conditions of that contract, by which it would be violated for the benefit of the debtor.

I trust that I have satisfied the House, that retaining the present standard of value, an adjustment between debtor and creditor, to be equitable, must embrace all contracts as well prior as subsequent to 1797, and that such an adjustment is impracticable. I would next enquire what would be the effect of altering that standard, without any reference to such an adjustment? An extensive alteration to this effect, I take to be the plan of the hon. member for Essex. In the first place, it is evident, that such an alteration would be nothing less than a direct breach of faith to all creditors generally, without any discrimination between debts contracted before the period of the depreciation, or during that period, or since the restoration of the currency. Is the House of Commons prepared to sanction such a sweeping and monstrous principle as this? Is it prepared to say to the old creditor—the full measure of injustice which you suffered for many years, we are now about to acknowledge, not for the purpose of repairing, but of perpetuating, that injustice:—and to all creditors who have entered into contracts since the restoration of the standard—we are about to rob you of 40 per cent of your property, because there are other creditors in this country who made their contracts when the currency was depreciated to that amount. Can any legislature, not lost to all regard for character, and to every feeling of common honesty, listen for a moment to such morality and such proposals as these? But, apart from these considerations, let us examine this proposal on the narrower grounds of policy and expediency:—if, indeed, the House can allow itself to suppose, that the present case may be an exception to the general rule—that the interests of the state can never be promoted by the violation of public justice, and the forfeiture of public honour. How strange must be the condition of this country, if it can only prosper by a violation of national faith and a subversion of private property. If it can only be saved by a measure, reprobated by all statesmen and all historians;—the wretched but antiquated resource of barbarous ignorance and arbitrary power, and only known among civilized communities, as the last mark of a nation's weakness and degradation. Does not the hon. member see, that such a measure would be the death blow to all public credit, and to all confidence in private dealings between man and man? Does he not see, that if you once lower your standard, it will become a precedent that will be resorted to on every future emergency or temporary pressure—resorted to the more readily, as credit and every other more valuable resource, on which this country has hitherto relied, will be at an end? Does he not see, that the expectation of such a recurrence will produce much of the mischief of its reality?—that when men find, that, in England, there is no security in pecuniary contracts, they will seek that security elsewhere?—If we once embark in this career—if once openly and deliberately we avow and recognize this principle, England, depend upon it, will rapidly descend, and not more rapidly in character than in wealth, to the level of those countries, in which, from ignorance and barbarism, such expedients are not yet exploded.

But, Sir, whatever fallacious expectations of relief to the country the hon. gentleman may have conceived from a plan so pregnant with mischief and disaster, fortunately there is little danger of its being adopted. In the mysterious councils of despotism, such a project may be so matured as to burst by surprise upon the country. Here it must be discussed in parliament, and would be examined and understood by the public long before it could be ripe for execution. I will venture to say, that if this House were even to entertain such a proposition by a vote, the country would be in alarm and confusion from one end of the kingdom to the other. All pecuniary dealings would be at an end; all pending transactions would be thrown into disorder; all debtors would be called upon for immediate payment; all holders of paper circulation would insist upon its being converted into coin or bullion; and all the coin and bullion so withdrawn, whether gold or silver, would be hoarded. Neither the Bank, nor the London bankers, nor the country banks, could survive the shock. Every man would be struggling to call in credits, whether in public or private hands, and either by converting those credits into goods, or by sending them abroad, to place them beyond the reach of the hon. member's bill. What a scene of strife, insolvency, stagnation of business, individual misery, and general disorder would ensue!—All this would precede the passing of the hon. gentleman's bill, whilst it was proceeding in its

several stages in this, and the other House of parliament. It would be a waste of the time of the House, to follow the measure in its effects, when it should have become the law of the land, because such an event is happily impossible. Let the House give the hon. member his committee, after the speech in which he has proposed it to night, and I am perfectly sure, that this first step, in furtherance of his object, would, even to-morrow, create such a commencement of stir and alarm in this metropolis, and very soon in every part of the country, as would induce the hon. gentleman, himself, to be among the first to proclaim his abandonment of all such desperate expedients. The House, I am sure, must be satisfied of the dangerous principle, and immediate tendency, of such a proposal; but, it may not be altogether inexpedient to examine, a little, the extent to which, as I understand the hon. member, he would be disposed to go in the execution of his purpose.

That extent I take to be, in substance, this:—that he would lower the standard of the currency in, or nearly in, the proportion of the difference between the average price of wheat taken for the period between 1797 and 1719, and the average price between 1719 and the present year:—for instance, if the average price in the latter case should be 45, and in the former 80 shillings; he would provide that, henceforward, 45 shillings should pass for 80 shillings; and, consequently, that, for every debt or contract now existing, a tender in this proportion should be a payment in full.

The hon. gentleman, in order to pave the way for this proposal, has laboured hard to prove that corn is a better standard than gold. Like most gentlemen who claim to be exclusively practical men, and who rail at those whom they are pleased to designate as theorists, and political economists—for no other reason than because they argue from principles which their adversaries cannot controvert, and proceed by deductions which they cannot refute or deny,—the hon. member has, himself, launched into some of the wildest theories, and drawn his inferences from some of the most extravagant positions, which were ever promulgated in this House.

As the foundation and groundwork of his plan, he lays down in principle, "that the standard of value in every country, should be that article which forms the constant and most general food of its population;" and, therefore, it is that he fixes upon wheat. It follows from this principle, that wheat could not be the standard in Ireland. There potatoes must be the measure of value. This indeed is a novelty even in theory! We heard a great deal in 1811, of fanciful standards—the ideal unit—the abstract pound sterling—and so forth; but who ever heard before of a potatoe standard? What a beautiful simplicity of system, and what facility it would afford to the settlement of all transactions between the two parts of the same empire, to have a wheat standard for the one, and a potatoe standard for the other!

I will admit to the hon. member, that there is no positive and absolute disqualification, either in wheat or potatoes, to prevent the one or the other being a standard of value. Wheat, like any other commodity, possessing value, is capable of being made the *common measure* to which the relative value of all other commodities shall be referred, and the *common equivalent* or *medium* by the intervention of which, they shall be exchanged the one against the other. But this is only saying, that a given measure of wheat, a bushel for instance, instead of a given quantity of gold, a sovereign for instance, shall be the money and legal tender of the country. For such a purpose, for reasons obvious to all who have ever turned their attention to the subject, wheat is one of the commodities the least adapted, always however with the exception of the new Irish standard, potatoes. But the hon. member, I shall be told, does not propose to make wheat the currency, but only the standard. I am aware of it, but how does this help his theory? How can a given weight of gold, of a given fineness, and of a certain denomination, which in this country is now the common measure of all commodities, be itself liable to be varied in weight, fineness, or denomination, according to the exchangeable value of some other commodity, without taking from gold the quality of money, and transferring it to that other commodity? All that you do is, in fact, to make wheat money, and gold the representative of that money, as paper now is of gold. But to say, that one commodity shall be the money, and another the standard of that money, betrays a confusion of ideas, and is little short of a contradiction in

terms. As well might you propose, that the Winchester bushel should be the measure of corn, and the price of a yard of broad cloth, the standard by which the contents of that bushel should be determined. What the hon. gentleman, therefore, aims at, as I conceive, is, not that wheat should be either money or standard; but that the standard of money, instead of being fixed, once for all, should be varied, from time to time, according to the price of wheat; so that if wheat, upon an average of ten or twenty years, should fall, the standard should be lowered, or, what is the same thing, the denomination of our money be raised, and, *vice versa*, if wheat should rise, that the standard should be raised. This appeared to me the hon. member's general doctrine, but perhaps I have mistaken the application of it: for although he certainly would suggest the lowering the standard when the price of wheat falls, I heard nothing about raising it when the price rises:—and, certainly, to do the latter, however called for by reciprocity and justice, would militate against his other leading principle—that the prosperity of a state depends on the gradual but constant depreciation of its currency. One thing, indeed, would rather confirm my suspicion that this reciprocity forms no part of his plan; for, during the twenty years which preceded 1819, we never heard from him, or any other practical gentleman, a proposal to revise the standard, by a comparison of the average price of wheat for ten or twenty years preceding: the result of which might have been, that every debtor, instead of discharging a debt of 80*s.* by the payment of 45*s.* would have had to pay nearly 80*s.* for every 45 of his debt, during 10 or 20 years to come, according as the one or the other of those terms might have been fixed upon for the periodical revision of the standard.

Without stopping to enquire, on the one hand, what would have been the effect of such a plan since the discovery of the mines of America, or how it might be affected hereafter by the future productiveness of those mines;—and without adverting, on the other hand, to the obvious objection, that, in this attempt to adjust the standard of money by the price of corn, the precious metals may have been stationary in their relative value to other commodities, whilst the variation in respect to corn, may have arisen from peculiar circumstances bearing upon the price of that commodity,—such as the growth of wealth and population in any particular country,—its state of dependance or independance of foreign supply,—the state of its corn laws,—its state and relations of peace or war,—the fluctuation of the seasons for a given number of years,—and a variety of other circumstances of which we have witnessed the powerful effects during the late war, and since the restoration of peace. I say, without dwelling on these considerations, I would ask what would be the condition of a civilized and opulent country in which every pecuniary contract was to be revised and altered every ten, or every twenty years? The wit of man, I am sure, could not devise a scheme better adapted to destroy all confidence and credit. Suppose they could survive it, (which however is impossible) to what speculations, and struggles, and devices, would not the system give rise, to raise or depress the price of corn, according to the conflicting interests of the parties? If a corn law now agitates the country from one end to the other, what would it do then? with what anxiety would the averages be watched in the last year of the term, and if their fairness be called in question now, what would be the suspicions at a time when every pecuniary contract for a pound sterling might be lowered to 15*s.*, or raised to 25*s.* for the next term, according to the striking of that average? Is this the visionary plan which the member for Callington (Mr. Attwood) propounds, which the member for Essex inculcates, whilst they are branding their opponents as theorists; because they maintain the good old principle,—that the standard of money once fixed ought to be immutable; because they consider it as the guarantee, not only from the state to its own creditors; but the pledge, as far as the power of the state can extend, that, in pecuniary dealings between man and man, property shall be respected, and that all contracts, entered into with sincerity, shall be settled in good faith, and executed in justice?

The first essay of this notable plan would be founded on an average taken from a period of war, during which the country did not grow corn enough for its own consumption, during which it was afflicted with several harvests calamitously deficient, and forced to draw corn from abroad under every disadvantage of

freight and expense, and during the greatest part of which period, too, Ireland was excluded from our market;—compared with an average taken from years of peace and general abundance, and when that abundance, joined to the immense produce of Ireland, has created a glut in all the markets of the empire.

Several other strange theories and positions were laid down by the hon. member in the course of his elaborate speech; but as they do not appear to me to have much connexion with the immediate object of his motion, I shall not waste the patience of the House by observing upon them at any length. There is one, however, which I cannot help adverting to; because it is a point to which he seemed to attach great importance, and to illustrate by many calculations. That point, if I understand the hon. member is this, that we ought to measure the pressure of taxation by the price of corn. "In 1813," says the hon. member, "the price of wheat being 108*s.* 9*d.*, and the taxes 74,674,798*l.* — 13,733,296 quarters of wheat were sufficient for the payment thereof: in the present year, the price of wheat being 45*s.*—very nearly double that amount of quarters are necessary to pay the taxes thereof." I wonder, when he was making these comparisons, that he did not extend them to a few other years. If he had, he would have found in 1812, for instance, that the taxes being 70,435,679*l.* and wheat at the moderate price of 125*s.* 5*d.*—11,224,809 quarters of wheat were sufficient for the payment thereof. In 1815, that the taxes being 79,948,670*l.*, and the price of wheat only 64*s.* 4*d.*—24,854,508 quarters were requisite for the payment thereof. But, then, 1817 was again a prosperous year; for the taxes being reduced to 55,836,259*l.*, and wheat having risen to 94*s.* 9*d.*—11,786,017 were sufficient for the payment thereof. Now, according to this statement, the years 1812 and 1817, must have been those of the lightest pressure, and 1815 and 1821, those in which that pressure was most severe. If distress bordering upon famine, if misery bursting forth in insurrection, and all the other symptoms of wretchedness, discontent, and difficulty, are to be taken as symptoms of pressure upon the people, then I should say, that 1812 and 1817, were two years of which no good man can ever wish to witness the like again; but if all the usual consequences of general ease in the great masses of our condensed population, and all the habitual concomitants of contented industry, are indications of a better state of things, then I should say, that 1815 and 1821—periods of the severest pressure of taxation, according to this new measure of its pressure—are among those years, in which, judging from their conduct, the labouring parts of the community have had least reason to complain of their situation.

The high price of the necessaries of life is, at all times, a delicate topic for public discussion, from the misconceptions to which it is liable. I am not one of those who are indiscriminate advocates for cheap bread; on the contrary, I am ready to maintain, that a price moderate and reasonable, but, above all, as steady as possible, is most for the interest of the consumer; but I cannot admit, that the amount of the public burthens, in any particular year, is in the inverse ratio of the price of corn, or that a scarcity price is a fair test, either of relief generally, or of the alleviation of that particular pressure. This forms no part of my creed of political economy. Indeed, I should think I was much nearer the truth in contending, that such a price of corn as that of 1812, instead of mitigating the pressure of the taxes, had a tendency to abridge the profits of capital and the comforts of the people, in much the same way as they would certainly be abridged by any great addition to the amount of the previously existing taxes.

The hon. member, however, is so convinced that, whatever inconvenience the consumers may have experienced from the extreme dearness of corn, they are suffering still more severely from its present cheapness, that he did not hesitate to offer, in support of this inference, a comparison between the quantity of corn imported into London in the years 1812 and 1821. In 1812, he says, "the quantity imported was 386,921 quarters; and in 1821, 365,535 only. Here," says the hon. member, "it is undeniably proved that with an increasing demand, we should suppose, from a generally increased population, there was a less consumption in 1821, at 50*s.* a quarter than in 1812, at 125*s.* a quarter." The quantities may be correct, but the explanation is obvious. In 1812, the country districts, as well as the metropolis, were fed in a great degree by foreign corn imported into the port of London. In 1821, all the country markets

were glutted with corn of our own growth, and the demand in Mark-lane being supplied from those markets, it was, of course, limited to the consumption of London. This is the simple solution of the hon. gentleman's paradox; and I really believe, that the inference which he has drawn from it is entitled to about as much weight as his unqualified assertion—that misery and distress are rapidly increasing among all ranks of the people, not excepting those in humble life; and that the proofs of it are to be found in the great increase of bankruptcy and crime.

Except in the increase of the revenue, I have not the means at hand of refuting, by documents and figures, the gloomy statements of the hon. member; but the revenue has certainly increased in all the articles of consumption, and is, I understand, still increasing. The hon. member must either disprove this fact, or explain how it happens, that universal distress leads to an increased consumption of commodities, most of which constitute the comforts and luxuries of the middling and inferior classes of the community. I believe him to be mistaken in respect to the increase of insolvency and crime. Sure I am, that Great Britain, as far as I can judge, appears to be more quiet and easily governed than at almost any period, which I can recollect, of those halcyon days when money was depreciated, and when, from that depreciation, among other evils which it inflicted on the labouring classes, the necessaries of life were not only generally rising, but liable to great and rapid fluctuations, within short intervals of time, to which the price of labour could not accommodate itself.

Let it not be supposed, however, that I am insensible to the magnitude of the pressure which bears upon other classes of the community. It is, as I have said before in this House, the inevitable consequence of having tampered with the currency. It is an evil which has visited all classes in succession; and from the experience of which, I trust, future times will take a salutary warning. But the hon. member seems to think it has fallen with disproportionate severity on the landed interest. This I cannot admit. It appears to me that its operation, in this respect, is rather a question of time than of degree, by a comparison with other interests. During the progress of depreciation the evil did not reach the land-owner with an unincumbered estate. In the rise of his rents, he found a full compensation for the cheapness of money, aye, more than a compensation, by the excessive speculation to which the stimulus of that cheapness gave rise. If his estate was incumbered, it is obvious, that he was relatively still more benefitted. By the fall of rents the incumbered estate, in its turn, feels that fall more severely; but it is as *debtor*, in common and in the same degree only with all other debtors, that the interest of the land-owner is affected. Taking the land-owner, therefore, abstractedly from any pecuniary engagements, he has been the most favoured class of the community. During the depreciation he was compensated to its full amount; and he is no loser if he gives up that compensation, now that the evil which it countervailed no longer exists. To this extent a fall of rent is to him no injury, although it will diminish the nominal nett income paid into his banker's hands. On this point of rent, I know what prejudices and alarms exist at this moment; I know that it is a tender subject in this House; I know by how many other circumstances, independent of depreciation, the rents of land may be varied; and I also know the inconvenience of indulging in predictions on public matters; but I feel the opinion so confidently that I will not hesitate to state it—that, after the struggle incident to the present re-adjustment of rents shall be over, the result of that re-adjustment, speaking generally, will be a very considerable permanent increase upon the rental of 1797:—and I state this opinion, with the more assurance of its being realized, because such an increase is the natural consequence of circumstances unconnected with depreciation, and over which the return to cash payments can have no control. Taking, therefore, the land-owner, simply as such, with his income doubled during the war, to meet depreciation; and with his income when that depreciation ceases, considerably larger than when it began, is there any other class which has escaped with so little injury? It is no answer to this question, to talk of increased taxation, and the local burthens upon the land. These are evils greatly to be lamented, but the comparison is between the *nett* money income of the landlord, available for his own purposes after all local burthens have been paid, and the nett income of another

member of the community, for instance, the annuitant. Both are liable to the same general taxation, and the 100*l*. received from land, or the 100*l*. derived from the funds, have no preference or distinction in this respect.

There is indeed, I state it with deep regret, another class, connected with the land, whose losses are more severe, and whose reverse of fortune is one of the greatest calamities which the depreciation, in its consequences, has inflicted upon the country. I mean the tenantry. For that most meritorious body of men, I feel the greatest compassion. But here again the same distinction applies as in the case of the landlord, between the tenant carrying on business upon his own capital, and the tenant under pecuniary engagements. Suppose the former to have commenced business in the year 1797, with a stock of his own worth 1,000*l*., and that money, at the end of ten years, from that time, had been depreciated 50 per cent, at the rate of five per cent each year, his stock would then be nominally worth 1,500*l*., but, in fact, he would not be one penny the richer, all other commodities having risen in the same proportion: and, if money had then been restored to its former value, his stock would again have become nominally 1,000*l*. without his being in reality one penny the poorer. But if he had borrowed that 1,000*l*. and at the end of ten years reckoned himself (as he had a right to do) worth 500*l*. more than he owed, that gain is now lost, though the capital in both cases remains the same. Still worse if he borrowed the 1,000*l*. during the depreciation, he is now insolvent. In this illustration, the House will trace the progress of the evils growing out of a depreciating currency. The man who has borrowed 1,000*l*. and finds it increase to 1,500*l*. naturally concludes that he has been very successful in business.—He enlarges his expenses, and style of living—his neighbour, who witnesses his prosperity, is tempted to follow his course, and hence arises a spirit of competition which raises the rent of land far beyond even the *quantum* of the depreciation. The same state of things which led to this eager disposition to borrow, created also an unbounded facility to lend. What was the result upon the moral habits and feelings of the community? The sober expectations of industry, together with the old maxims and prudent courses by which those expectations have heretofore been realized, were neglected and exploded. —Profit from depreciation became confounded with the legitimate return of capital, and, in too many instances, the ancient spirit of the British tenantry degenerated into dashing speculation, and consequent extravagance. But will any man say, that the gain arising from a constantly growing depreciation is the fair profit of industry, that it is the profit which the law intended to countenance, or encourage, or that such a principle, if once avowed, would not soon defeat or destroy itself? Can there be a man so short-sighted as to believe, that, in the state in which we found ourselves at the close of the war, we could content ourselves with doing nothing? There was no alternative between resorting again to a fixed standard of value, or going on in a career of constantly increasing depreciation, which must have hurried the country at last to a general catastrophe: for, I believe, there is no instance of an opulent country led away by such a delusion, where it has not ended in a convulsion of the property, and generally of the power of the state.

Having to make an option between these opposite courses, parliament in 1819, resolved to return to the ancient standard of value. It is this decision which the hon. member arraigns, and proposes to you to rescind. It would be difficult for him to contend, that it was not the most manly and the most honest course, and, I think, he has failed to prove that it was not, under all circumstances, the wisest and the best. Could I entertain a doubt in that respect (which I own I do not), it would by no means follow that we ought to undo in 1822 that which we had done in 1819; and when we have undergone all the sufferings and privations incident to the restoration of health, that we should again plunge into all the vicious indulgences and irregularities which had first brought on the disease.

In deciding upon a matter of state policy, of this complicated and delicate nature, we cannot do better than to take experience for our guide; because in looking to the opinions of the wisest philosophers, and the proceedings of the greatest statesmen of former days, under similar circumstances, we may at least be sure that we are resorting to authorities entitled in all respects to the greatest deference, but, above all, from their being

free from the possible suspicion of their judgments being influenced by the prejudices, the passions, and the interests of the present day. I feel it necessary, on this occasion, to resort to these authorities, not on these grounds only, but because I have heard again from the hon. member to right, an assertion which astonished me when it was first made, in a former debate, by the hon. member for Westminster (sir F. Burdett), "that nothing like this depreciation and restoration of the currency ever occurred in any country before"—an assertion which astonished me the more, as, if my memory does not deceive me, that hon. baronet referred, on the same occasion, to the occurrences of king William's reign. Now, Sir, I affirm, without fear of contradiction, first, that the state of the currency in king William's time, prior to the year 1696, was, in principle, exactly similar to the state in which it was prior to the year 1819. Secondly, that the restoration of that currency in the year 1696, was a measure precisely similar, in principle, to the present restoration of our ancient standard of value. Thirdly, that it brought upon the country difficulties precisely of the same nature: and lastly, that the remedies then proposed for those difficulties, and rejected by parliament, as I trust the remedies now proposed will be rejected, were exactly the same as those which are in the contemplation of the hon. member.

No man can read the writers and historians of those days, or the Journals of parliament, without being aware that the currency was then greatly debased; so much so, that the current price of the ounce of silver (in the silver coin of the realm, then the only legal tender), fluctuated from 6*s.* 3*d.* to near 7*s.*, whilst the standard or coinage price was 5*s.* 2*d.* Is not this in principle, the same depreciation as that which we have witnessed in our time? In this state of things, parliament in the month of December 1695, addressed the king to take measures for the restoration of a sound currency. What were those measures?—the calling in of all the clipped coin (which, having lost nearly half its standard weight, till then had passed at its full nominal value), and recoining it of full weight according to the ancient standard. Again, is not this, in principle, precisely what we have lately done? To show that the currency was then as much depreciated as I have stated (a depreciation at least equal to any which we have experienced, taken at its most exaggerated estimate), it is sufficient to mention, that it appears, by a return made from the Mint at that time, that 572 bags of the silver coin called in, which ought to have weighed 221,418 ounces, did actually weigh only 113,771, leaving a deficiency of 107,647, or very nearly one-half.

In respect to my third position, that this restoration of the standard by king William, brought upon the country difficulties of a similar nature to those which are now complained of, I might content myself with referring, to historical memoirs, which have been long known to the world. But the recent publication of a most interesting correspondence, between king William and his minister the duke of Shrewsbury, so strikingly displays the extent of those difficulties, and so directly proves, at the same time, and in the most authentic manner, my last position—that the remedies suggested were similar to those which are now proposed;—that I am sure the House will permit me to read to them a few short extracts from that correspondence. For its publication the world is immediately indebted to arch-deacon Coxe, who introduces this part of it with the following statement. Speaking of the year 1696, he writes as follows: "The evils arising from the dilapidated state of the coinage had been so long and deeply felt, that in the preceding year, an act had passed for the immediate recoinage of the silver money which was clipped, and otherwise much decreased in value. The measures, however, which were adopted to accomplish so desirable a purpose, created a great, though temporary aggravation of the evil: for such a check to the circulation immediately ensued, that all the operations of trade were cramped, the collection of the public supplies was suspended, guineas were raised to the value of 30 shillings, and paper currency was reduced to an alarming discount: Bank notes falling 20, and tallies and other government securities 60 per cent. By these causes the army was deprived of its regular pay and supplies; and the letters of the king feelingly detail the mischievous consequences which ensued." Here we see, that the evil, like the depreciation which it has fallen to our lot to remedy, had been of long standing, and I think this description of its effects, does not fall short even of the

most desponding and exaggerated pictures of our present difficulties. In fact the fall of prices was upon the then restoration of the standard quite as great as upon the present occasion. The guinea, which was then a commodity, fluctuating in its current value according to the price of bullion, fell from 30*s.* to 21*s.* 6*d.*—wool from 36*s.* to 20*s.* a tod, and all other commodities in nearly the same proportion. But let us refer to the correspondence itself. On the 15th of May 1696, we find the duke of Shrewsbury writing to the king, as follows; "Upon the receipt of your majesty's commands this morning, I engaged the rest of the justices to represent the case of the army abroad, to my lord Godolphin; but found your majesty's new letter to him, had made him sufficiently sensible of their condition. We discoursed this morning with several of the most eminent goldsmiths, and with some of the Bank, and had the dismalest accounts from them of the state of credit in this town, and of the effects it would soon have upon all the traders in money: none of them being able to propose a remedy, except letting the parliament sit in June (an inconvenience it would seem much dreaded by our ancestors in this House, but to which we submit with resignation), "*and enacting the clipt money to go again, the very hopes of which locks up all the gold and good money, and would be to undo all that has been done.*"

Enacting the clipt money to go again! undoing all that has been done! Is not this precisely what the hon. member points at by his motion of this evening?

I shall now read a very short extract from a letter of the king to the duke of Shrewsbury, written after he had received a communication from the lords justices to the same effect as the above. "Camp of Altere, 20th July, 1696. The letter from the lords justices, of the 14th, has quite overcome me, and I know not where I am, since at present I see no resource which can prevent the army from mutiny or total desertion." On the 28th July, after holding another council, the duke of Shrewsbury writes to the king as follows: "It was universally the opinion of all here, that a session in your absence, and in the divisions the nation labours under now, would produce nothing but heat among themselves, and *petitions from all the counties about the state of the money; that they could afford little help as to a present supply, but by the expectation they would raise, that clipt money should be current again, or a recompense allowed for it; that the standard should be advanced, and the price of guineas improved.*" Would not the House almost suppose, that instead of reading a dispatch dated in 1696, I was describing, from some letter written during the present session, the feelings which parts of the country have expressed, and the advice which the weakness of some individuals has suggested for our present difficulties? I will only read one short extract from the answer of king William to this letter; it is dated, "Camp at Altere, 6th August, 1696." "May God relieve us from our present embarrassment; for I cannot suppose it is his will to suffer a nation to perish, which he has so often almost miraculously saved."

When we reflect that this extract is not taken from a speech to parliament, or any document intended to meet the public eye, but from a confidential letter from a king to his minister and friend, the pious confidence which it breathes, and the beautiful simplicity of the language in which that confidence is expressed, are equally calculated to raise the general character of that great prince in our estimation. But let us see a little, in more immediate reference to the present subject, under what circumstances this affecting letter was written. It was written at the head of his army by a king not insensible to military glory. But was military glory all that king William had then at stake? Was he not at the head of that army to defend his native land from the encroachments of an ambitious and too-powerful neighbour? Was he not engaged in a struggle for the liberties of this country,—for the liberties of Europe —and (as far as a personal object could weigh with him in such a struggle) for the crown of England, which had been placed upon his head by the Revolution of 1688? It was in order to procure the pecuniary means of sustaining this struggle, that in the spring of 1696, he had sent the earl of Portland to England. After long consultations with the ministers, with the Bank, with the monied interest, that noble person returned to the king, confirming the reports of his council, that no mode of extricating him from his difficulties could be suggested, except that which we have already seen described, namely, "*the re-issuing of the clipped money, and the undoing all that has been done.*" Did king William listen to this suggestion,

and dishonour his reign by lowering the standard of our money? No, Sir. He was a man that knew how to meet adversity. His life had been one continued struggle with difficulties; but it had been the fixed rule of that life to encounter them with an unshaken fortitude, and a rigid adherence to what he considered to be right. This wes the quality of his mind without which his other virtues would have lost all their lustre, a quality which did not forsake him on this most trying occasion.

Instead of re-dispatching the earl of Portland to England to concert measures "*for undoing all that had been done,*" he sent him privately to sound Louis 14th, and to endeavour to bring about a negotiation for peace; and coming himself to England, he met his parliament on the 20th October, 1696. In his speech from the throne on that day, he earnestly called their attention to the state of the currency, and the difficulties in which the country was, in consequence, involved. At that period, this subject agitated the country from one end to the other. The secretary of the Treasury, Mr. Lowndes, had recommended the lowering the standard from *5s. 2d.* to *6s. 3d*, the ounce of silver — an operation equivalent to the lowering of the gold standard, at this time, from *3l.17s.10½d.* to *4l. 14s. 6d.*,—a degree of depreciation which, to begin with, would, I believe, almost satisfy even the hon. member for Callington. The popular feeling was all on the side of this advice. That feeling was manifested in petitions from several counties, and most of the great towns. But did parliament adopt this advice? Far from it. With true wisdom, on the very first day of the meeting, immediately after voting an address in answer to the speech from the throne, on that same 20th of October, 1696, Mr. Montague, the then chancellor of the exchequer, proposed, and parliament adopted, the following resolution:—"That this House will not alter the standard of the gold and silver coins of this kingdom in fineness, weight, or denomination." The circumstance of coming to a resolution of this importance, on the very first day of the meeting, is the more remarkable, as in those times, the address, in answer to the speech, was sometimes not voted till some days after the opening; but the ministers of king William felt the great importance of removing all doubts, and of at once settling the public mind on this point. We know what followed. The ancient standard was maintained; the difficulties gradually subsided, and every thing finding its proper level, all the transactions of the country were restored to their former facility. "The receiving (*i. e.* the calling in) the silver money," says a writer of that period, "could not but occasion much hardship and many complaints among the people; yet the greatest part attributed this to the necessity of affairs, and began to hope, both from the prospect of a peace, and wisdom of those at the helm, that they should enjoy more favourable times."

We are now fortunately in the enjoyment of a peace dictated by ourselves, and I trust likely to be durable; but it must be admitted (the Shrewsbury Correspondence leaves no doubt upon the subject) that the peace of Ryswick, a peace by no means of the same lofty character, was hastened by the difficulties incident to the restoration of the currency. By that peace most of the objects of the war were either sacrificed or postponed. It was considered at the time as little better than a hollow truce, submitted to from necessity. But this only confirms the paramount importance which the government of king William attached to the restoration of the currency. Their view of the peace of Ryswick was certainly a just one, and we all know that, after a few years of a feverish armistice, it was followed by a long and arduous war. If I refer at all to that war (the war of the Succession) it is to recall the recollection of the great share and the glorious exertions of England in that contest; and to satisfy the House, that whatever were the streights to which the country was reduced in 1696, the firm and wise resolution which was then adopted was not incompatible with the speedy restoration of prosperity and power. If, in 1696, this House, having then so recently restored the antient land marks of property, refused, under the strongest inducements, both from the state of war and from popular feeling at home, again to alter them, shall we, after those same land marks have now been replaced for three years, adopt a measure which would be as fatal to our national character as it would to the security of individual possession, to the maintenance of credit in private dealings, and to the very existence of the public credit of the state?

When projects of this nature are afloat out of doors, and when they are now

propounded to this House, shall we, with such mighty interests at stake, hesitate to manifest our firm determination to maintain the present standard of value? Shall we shrink from the precedent of 1696? I am as little disposed as any man to call upon parliament to bind itself to any general or abstract principles, but I own this appears to me an occasion for such a proceeding. Under that impression, however conscious of the humble station which I hold in this House and in the country, and of its immeasurable distance from that held by the great man by whom the resolution of 1696 was moved, but with the same feelings for the honour and best interests of my country, which actuated his bosom on that occasion, I shall conclude (thanking the House for their indulgence) by proposing to amend the motion of the honourable member by substituting for it the resolution of 1696; viz., "That this House will not alter the standard of gold or silver, in fineness, weight, or denomination."

Lord *A. Hamilton* expressed his surprise that the right hon. gentleman should have assumed throughout the whole of his speech, that the country was in a prosperous condition. He was inclined to support the original motion, because it was represented that the change which had been made in the value of the currency was operating ruin towards a large portion of the country. He protested against the doctrine laid down by the right hon. gentleman, that every member who supported the motion must therefore be supposed to entertain the same opinions as the hon. mover of it. He agreed in many of the arguments made use of by his hon. friend; but he could not admit that by doing so he implied his approval of an alteration of the standard, or a repeal of the bill of 1819. If his hon. friend had proposed to repeal that bill without inquiry, he would have opposed such a proceeding. If he were to admit that much of the argument of the right hon. gentleman were true, still it would not induce him to withhold his support from the motion. The right hon. gentleman asserted, that by acceding to the proposition of his hon. friend, the House would commit great injustice towards debtors. Now, it formed one of the grounds of complaint against the bill which provided for the return to cash payments, that it oppressed the debtor and benefited the creditor. The right hon. gentleman had asked, what was to be done with respect to the national debt? Now, he would ask, what was to be done with respect to the payment of that debt? The paying of the interest of that debt was causing the ruin of a large class of the community. As a proof of this, he would refer the right hon. gentleman to the report of the agricultural committee, of which he was generally deemed the author, in which it was stated, that tenants were at present compelled to pay out of their capitals. The resumption of cash payments had done, was doing, and must continue to do, great injury to a large portion of the community. The only object of the motion was, to inquire, how the people might sustain the least quantity of damage from that measure. The right hon. gentleman had spoken of the dangers which he anticipated from the House agreeing to the motion. Among other misfortunes the right hon. gentleman dreaded an immediate convulsion. But, if the bill which was passed in 1819 continued in force, a total change in the whole property of the country would be effected. A few evenings since, the hon. member for Wiltshire had declared, that the lands throughout the country were mortgaged to the public creditor. If those words meant any thing, they meant that, if the interest of the debt could not be obtained by the product of taxation, the public creditor might foreclose and seize upon the land.—The noble lord expressed his regret, that the country had not yet had the benefit of trying the propositions of the hon. member for Portarlington. He thought that the Bank had always acted unwisely with respect to the measures which they had adopted upon the subject of the resumption of cash payments. He warned the House not to continue its support to the present system, merely because it was sanctioned by high authority. Great men had bestowed their approbation upon some of the most destructive measures which had ever been produced in this country. Individuals of high reputation had supported the Bank Restriction act. But that measure had only been sustained from month to month; and even its most strenuous advocates had not ventured to propose its continuance for more than six months. A few years after came that second gross and mischievous resolution with respect to the value of the pound note. That resolution declared a pound note and a shilling to be equal in public estimation to a guinea; and immediately after came a bill into the House to prevent

the sale of guineas at 26*s*. each. The right hon. gentleman had asked, with a sort of taunt, why had not gentlemen on his (lord A. H.'s) side of the House come down at that moment of depreciation to adjust, or suggest an adjustment of the difference of value. Why, if he (lord A. H.) and his friends had taken that course, they would have been met and confronted with the very resolution to which he now referred. The right hon. member for Liverpool, (Mr. Canning) it would be recollected, had opposed that resolution at the time of its being brought forward, and the right hon. gentleman had written a most able pamphlet against it. They had now, however, joined administration, and he could not, of course, expect their assistance. But the principle which he himself had come to was this—the first step that the House must take towards wisdom would be to stultify its own past conduct. The corn-laws, and the resolutions as to the currency which the House had passed, justified him in taking that ground. To the principle of the bill called Mr. Peel's bill he was not hostile. It had been intended, no doubt, as a cure for the then existing evil. But the remedy was sometimes worse than the disease; and, looking at the circumstances under which the bill had come into operation, and at the manifest mischiefs likely to result from it, he was not sure that he should not have to throw something like that reflection upon it. Before he sat down he wished most strongly to impress upon the House that the situation of the country was such as to threaten mischief. Instead of growing better, matters were daily growing worse. And if a time should come—an event far from unlikely—when the manufacturing interest should be subjected to one half the extent of suffering and privation which the agriculturist were enduring at the present moment, that time would bring with it a difficulty not easily to be got over. If the manufacturers were pressed with any thing like that degree of distress, they would not be answered as the agriculturists had been, with "Some part of the country must suffer. Parliament imposes the burthen upon you; and you must bear it and be silent." That language, if it had pacified the agriculturists, would not do with the manufacturers. He was not prepared to vote for a change in the standard of the currency: but he did think that some means might be devised of throwing the existing mass of calamity more equally over the country. When opinions upon the state of the currency were so various—when the noble lord opposite admitted that 70*s*. now was equal to 80*s*. before the passing of the bill—when the hon. member for Portarlington put the change in value at from 7 to 10 per cent; and when some hon. members put it so high as 30 or 40 per cent, surely it was worth while to institute some inquiry into the subject. He was not sanguine as to the adoption of any remedy, still less as to the adoption of any adequate remedy; still, the pressure of the evil was so great, that he was willing to take every chance; and he should therefore support the motion.

On the motion of Mr. Bennet, the debate was adjourned till to morrow.

HOUSE OF COMMONS.

Wednesday, June 12.

RESUMPTION OF CASH PAYMENTS.] The order of the day being read, for resuming the adjourned debate on the motion of Mr. Western, and the amendment thereon proposed by Mr. Huskisson,

Mr. *Bennet* rose and said, that before he proceeded to make a few observations on the motion before the House, he wished the resolutions to be read, which had been moved by the chancellor of the exchequer on the 13th of May, 1811. [The said resolutions having been accordingly read by the clerk, the hon. member proceeded.] He apologized to the House for offering himself to their notice on this occasion, but he was unwilling to give his vote in favour of the resolution of his hon. friend, without entering into some explanation of the principles on which he should support that resolution—principles, which were in strict conformity with opinions which he had long ago entertained on this subject, but which he confessed he had shrunk from acknowledging, partly from their great singularity at the time, and partly from the unwillingness he felt when he was a younger man, to obtrude himself on the attention of the House upon questions of such primary importance. Had he entertained opinions directly opposite, he should have had no scruple in manfully and honestly retracting them; but when he saw consequences resulting from the measures of his majesty's government, in strict conformity with what he had previously anticipated, he had no hesi-

tation in declaring, that those measures had produced all the calamities under which the country laboured; though he was not prepared to say that all of them ought now to be retraced. At all events, it was time that some inquiry should take place into the causes of the calamitous situation in which the country was placed, and the means of applying some remedial measures. He fully concurred in all that portion of the speech of the right hon. gentleman (Mr. Huskisson) in which he described the miserable consequences of tampering with the currency of the country. No man was better qualified to paint those consequences than the right hon. gentleman, because he would do him the justice to say, that from the commencement of his parliamentary career, he had uniformly deprecated the wretched system of policy with regard to the currency which had been pursued by his colleagues. With what feelings the noble lord could have heard the solemn denunciations of the right hon. gentleman he was at a loss to conceive; since the noble lord and his colleagues were the very persons who had brought those calamities on the country by tampering with the currency, who had first cheated the public creditor, and afterwards cheated the public debtor, so that no class of the community had escaped from the disastrous consequences of their system of government. The depreciation of the currency from the year 1801 to 1813 was fully equal to the amount stated by his hon. friend. In the year 1793, the price of the dollar was 4*s.* 11*d.*; in 1813 it was 7*s.*; the standard of silver was 5*s.* 1½*d.* in 1793; in 1813 it was 7*s.* 4*d.*; the standard of gold was in the former period 3*l.* 17*s.* 10½*d.* in the latter 5*l.* 10*s.* This alteration in the value of the currency was followed, as might naturally be supposed, by an increase in the price of every article of life. The average price of the Winchester bushel of wheat during the five years previous to 1793 was 6*s.* 9*d.*; in the five years ending 1813, the average price was 14*s.* 4*d.*; in the ten years ending 1793, the average price was 6*s.* 4*d.*; in the ten years ending 1813, it was 12*s.* 6*d.* The same increase was observable in the price of every other article of life. The right hon. gentleman had stated the consequences of what he termed a breach of faith; but, had his majesty's government considered those consequences, when they cheated the public creditor in 1797, and when they afterwards cheated the public debtor in 1813, and 1819? There was an intermediate period of robbery, during which one of the most decisive instances that could be cited of the disposition of the government to invade private property and interfere with private contracts, was that of lord Stanhope's bill in 1811. The suspension act operated only for the payment of the public creditor; for, with regard to the individual transactions of life it was wholly inoperative. Lord King exposed the distinction between a money and a paper price—a distinction which was obvious to every one; but lord King acted upon it, by endeavouring to compel his tenant, a bank director, to pay his rent in gold. "You have contracted," argued that nobleman, "to pay a certain sum under an old engagement, and if you and the government have depreciated the currency, I have a right to insist on the performance of the contract." Lord King distrained on his tenant, with a view of trying the question of right; and how did the government act on this occasion? Why, they immediately stepped in, and interfered with lord King's private rights, by declaring Bank notes to be a legal tender.—Whatever instances of depreciation of the currency had occurred in Germany, France, and America, they had never received the direct sanction of the government; this was an act reserved for the government of this country. Not only the public creditor, but every individual who had made any contract during the suspension of cash payments, between the years 1803 and 1813, was compelled to pay a greater sum than he had, in fact, borrowed. What could be said, even by ministers themselves of a law which had doubled every debt owing through the kingdom—a law which had doubled every existing mortgage—which robbed alike the public and the private debtor; calling upon the former to pay to the fundholder sums which, in truth, the fundholder had never lent? The right hon. gentleman talked of keeping public faith, let public faith be kept. He (Mr. B.) demanded that it should be kept—kept, not with the fundholder merely, but with the kingdom at large. Let the proposal of his hon. friend be agreed to. Let an examination be entered upon; and let something like a balance, if possible, be struck; but let not the country be called upon for money which it had not received, and which it had not the power to pay. The right hon.

gentleman said, that people were supposed to have acted with knowledge, and that, contracting while the depreciation existed, they must be taken to have been aware of that depreciation. Aware? Yes: some few political economists might have been aware of the fact. But what means had the public at large of being aware of it? The public knew only of the resolutions of that House which he had just caused to be read, and which broadly declared that there was no depreciation at all. The government had openly made that statement. The chancellor of the exchequer had risked his fortunes upon it. The noble lord opposite, in his fanciful periods, had said that although the gold had increased in value, the paper had not diminished; and yet now the people were to be taken to have known a fact, the existence of which government itself denied. Again, said the right hon. gentleman, "people knew that the Bank would resume cash payments." What security had the people upon that subject? They had seen the measure delayed from time to time; they had seen promises broken as to its commencement, and broken too in time of peace: but no person could ever have supposed that cash payments would be resumed without something like an arrangement—without some regulation between debtor and creditor. If the precedent of the reign of king William was to be quoted, let the House look at the circumstances in which that monarch had been placed. He had acted when the country was in a hazardous state; when the Crown tottered on his head; and when he stood compelled to encounter a powerful tory faction—a tory faction almost as dangerous as that which had now visited the country for the last fifty years. But, after all, what had been done in king William's time? A little more than five millions of currency had been called in; the whole difficulty had been set straight within twelve months, and at an expense of only 2,400,000*l.* Why, the whole public debt, at the death of king William, was only 4,000,000*l.*, the interest not exceeding 200,000*l.* a year. Our debt at the present moment was more than 800,000,000*l.* Our charge upon the countr[illegible]0,000,000*l.* a year. The whole expense during the whole of king William's reign had amounted only to 70,000,000*l.* scarcely more than one year's expenditure under the system of the present day. And see, the proportion which the taxes bore as applied to the general revenue of the country. Lord Liverpool had stated the income of the country at 250,000,000*l.* a year. He believed that statement to be exaggerated: but, taking it to be correct, the taxes bore a proportion of almost one to three. In 1793, their proportion had not exceeded one to seven. He again called upon the House to look at the situation of property in this country. If a gentleman had a mortgage upon his estate, incurred perhaps before his birth, he was now obliged if he wished to redeem that mortgage, to pay double the sum of money which had really been borrowed by his ancestor. There was not a county in the kingdom—scarcely an estate—which did not bear witness to the truth of this proposition. It was impossible to move in ordinary society without hearing of persons of property who had become beggars—whose productive estates were not in the hands of their creditors, because the prices of produce had fallen one half, while the nominal amount of their debts remained the same. Take a familiar instance by way of illustration—suppose a man in the time of depreciation to have bought an estate for 20,000*l.* and to have mortgaged it as far as 10,000*l.* the estate now was gone—the mortgagee enjoyed it in full. He remembered the robbery of the creditor—and he now saw the robbery of the debtor, perpetrated by nearly the same men, at least by the same erroneous system. He had seen all of those destructive measures supported by the same men who supported every proposition which came from the minister. It would give him pleasure to behold those country gentlemen whom he had so often seen strut into that House to support every measure of expense and extravagance, now crawl out of it—as they deserved to be—paupers. It would be but justice that the bill should be paid by those who had contracted the debt. It was true that he was bound by law to pay it, as well as others; but he contended that he was not so bound by moral law. Neither he, nor any of his, were parties to any of the measures by which this country had been governed since the commencement of the French revolution. The question now was, whether the legislature was prepared to look the evils in the face by which they were surrounded—whether they would oppose any dam to arrest this flood of misery. Under all the circumstances he had stated

he would support the motion for inquiry, though he was compelled to admit that it would be now impossible to repeal Mr. Peel's bill—to put it into the power of the Bank once more to deluge the country with their notes. Yet he had not a doubt that if this country was again plunged into war, the chancellor of the exchequer, if he still continued to fill his present situation, and the noble marquis, should continue to hold the same place, would urge the same arguments for the adoption of a restriction notwithstanding all their experience of its melancholy results. He would support the motion because he saw that he could do no better. He saw that the country was not in a situation to retrace its steps—nor did he know how it could go forward.

Mr. Alderman *Heygate* said, that having been one of the few who actively opposed in 1819, not the principle, but the time and mode of the bill for resuming cash payments, and who then unsuccessfully endeavoured to rouse the landed interest in that House to a sense of its danger, he was desirous of stating on what ground he should vote for the motion of his hon. friend, especially as he did not coincide in all the views he had taken of the subject. He was an enemy to a return now to a paper currency without control, as one of the greatest calamities; but the motion pledged him to nothing more than to a re-consideration of what was called Mr. Peel's bill, and its effects on the country. Such a revision was called for in innumerable petitions. The present was a favourable moment for a calm consideration of it, as we were in a state of tranquillity at home and abroad, and as the clamour had subsided which attended the passing of this bill in 1819, and which rendered it then almost a service of danger to venture to oppose it. Now, indeed, the public feeling was so much the other way, that he would venture to say, the majority of that night would rather be procured by the supposed impracticability of remedying the evils of this bill than by any approbation of it. He contended, that the measure of 1819, was not perfect and accurate, because it was carried by clamour—because the committee was constituted of individuals, the majority of whom had pledged themselves to the bullion theory, by pamphlets or speeches. Besides this, they had founded their measure on a false theory; namely, that gold was the exact index of the depreciation of our currency. This he denied, and contended, that the price of gold was regulated by the exchanges, which were governed by the cheapness at which we could manufacture for the foreign markets. The committee of 1819, had not reverted to the whole standard, but had actually raised it. The former standard was, the old gold coin worn to a certain extent, and protected from export by pains and penalties, which formed a protection, as the bullion committee of 1810 stated, of nearly 5 per cent. By repealing these penal laws and giving a new coin, the standard was actually and unintentionally raised nearly one shilling in the pound. Now it would be no breach of public faith to impose a seignorage to this extent, following the example of other nations; and for this reason, and because it would be wise to consider the question of adopting silver, and not gold, as the standard, it was right to grant the inquiry. In addition to these reasons, the Bank had unintentionally and unnecessarily increased the pressure of the measure, by not adopting the plan of paying in bullion, rather than in coin, and by forcibly withdrawing since last autumn, the whole of their small notes. True, they had substituted gold; but that was not the same thing with regard to prices: gold was liable to be hoarded; and he knew it actually was so, to a considerable extent. When we compared the rapidity of the fall of prices since the Bank began to withdraw their small notes, was there not reason to conclude a connexion between them? And if such had been the fruits of this measure, while circumstances were favourable, what would they have been if war, or an importation of foreign corn had existed? The pressure would have been intolerable. He did not mean to blame the Bank directors: they were placed in a difficult situation, bewildered by theories which were neither understood by themselves, nor, what was worse, by the authors of them. We had been governed by theorists for some years, who were calling out for a free trade, at a time when all other nations were enacting restrictions of every kind. For the reasons above stated and without advocating directly or indirectly any breach of the national faith or honour, he would vote for the inquiry.

Mr. *Hudson Gurney* said, that though in much that had fallen from the hon. alderman, he widely differed from him, yet he felt himself compelled to vote as he did. There could be neither doubt nor

question, but that the main cause of the embarrassment under which the country laboured, was the having most mistakenly coined to an historical standard which no outstanding contract had been calculated to meet, and which falsified every man's reckonings. Whether it be possible now to alleviate the evil so created must be considered much more problematical; and the unsettling people's minds by the appointment of the committee proposed by the hon. member for Essex, might, it must be confessed, be productive of greater inconveniencies, than the benefit to be derived from its investigations might be likely to compensate. At the same time, when driven to choose between a committee of enquiry and the resolution of the right hon. gentleman opposite, he could not hesitate in voting for the original motion. He should have thought that with the example of the unfortunate resolution of the chancellor of the exchequer before his eyes—given up to contumely by every body, with the sole exception of the hon. alderman, the member for Sudbury, the right hon. gentleman would have been cautious of persuading the House again to stultify itself, by rash and uncalled for propositions, which the course of events might compel them to retract. But the right hon. gentleman's speech was the best comment on his own resolution, and the clue to the views of government. The resolution was that of Montague in the reign of William the 3rd, when Locke insisted on restoring the currency to its former standard, and Lowndes, with all the monied people of the day, pleaded for a recoinage to existing values—the right hon. gentleman proving from document, in the great distress which followed, that Lowndes had been right, and that Locke had been wrong. But, then, the right hon. gentleman goes on to say, that in process of time the country again enjoyed prosperity, —totally omitting any mention of the process by which money transactions were in those days set free; namely, by the first issue of Exchequer bills, which were put forth as low as *5l.* and *10l.*, and made receivable at the Exchequer for the revenue. The operations of the Bank were then commencing—the march of the debt was then beginning its creation of fictitious capital—and the deficiency of the amount of the restored coin to meet the exigences of the country, was supplied by what then was new, a paper currency.—

It seems evident, that the present views of the government, under the altered circumstances of our mountainous debt, are pointed towards a very hazardous experiment, in order to attain the same species of relief—which it is to be feared, may fail them. It seems they have discovered they have coined pieces of money, of a value they cannot afford for ordinary use; but at the same time appear to think, that this coin may be held demandable at will—as a measure or sort of touchstone of value—whilst paper may be encouraged still to multiply itself to occasion, be the real medium of the transactions of the country, small as well as large (which latter it must always be), and the coin being thus in fact very little demanded, the prices generally may somewhat rise. It is obvious that this must be a state of things of extreme danger—excepting for the hoarding of sovereigns by a few individuals—which the hon. alderman laments as likely; but which he (Mr. Gurney), said, in as far as it went, he should rejoice in—there would not be a sovereign to be seen in any district not immediately adjacent to the metropolis.—With the rise of prices would come the fall of the exchanges. Gold would be leaving the Bank, and if an alarm should spring up of any extent, from any cause whatever, the Bank would be placed in the dilemma of either continuing their discounts freely at the risk of stopping themselves, or of refusing to continue them, and stopping the whole country.—Mr. G. said, that however injurious the lowering the standard of the coin of a country whilst in circulation might be, there was no country in Europe, or he believed in the civilized world, in which that operation had not repeatedly taken place, and in no instance had it produced convulsion or a general dissolution of the existing state of society. It was the manner in which an over-weighted nation had generally relieved itself with the least shock, the least distress, and the least injustice of any. The future state of the affairs of this country seemed to be such as no one could look forward to without great apprehension; and he should certainly vote against pledging the House, that under no circumstances they would resort to a measure, which many circumstances might concur to render the lesser of acknowledged evils.

Mr. *Leycester* said, that as he had not yet heard any of the arguments of his

hon. friend, the member for Essex, in any degree refuted, he should vote for the motion. There was one observation of his hon. friend, which appeared to him to demand the appointment of a committee by itself. It was this:—The right hon. gentleman opposite, had stated that the depreciation of the currency did not amount to more than 10 per cent, and his hon. friend had declared it to be full 40 per cent. Now it was important to know which of the two was right, or which wrong. If the right hon. gentleman opposite was wrong, all the financial regulations of the country were wrong also, and all the salaries and pensions of the officers under government ought to be reduced 40 instead of 10 per cent. Perhaps honourable gentlemen on the other side would not be willing to own themselves in the wrong upon such a subject. Perhaps they would be reluctant to admit any new light into their minds upon so interesting a point, and would say to those who forced it upon them, in the language of the poet—

> "Pol me occidistis, amici,
> Non servâstis, ait; cui sic extorta voluptas,
> Et demptus per vim mentis gratissimus error."

But, though he was favourable to the appointment of a committee, he must protest against any attack upon Mr. Peel's bill. He looked upon that bill as a measure founded in wisdom, inasmuch as it gave us the opportunity of becoming a nation of discreet and honest men, instead of a nation of swindlers and spendthrifts—which we had been for so many years. Indeed, the evils under which the country was at present suffering, arose from the measure of 1797, and not from the bill of 1819. He trusted that the right. hon. author of that bill would follow it up by advocating measures of strict retrenchment and rigid economy. The country had gone too far with that bill to allow of retreat. Like Macbeth, they had

> "Stepp'd in so far, that should they wade no more,
> Returning were as tedious as go o'er."

He would vote for the motion, as he was certain that none had ever been proposed to the House more strictly conscientious, and more fairly honest. His hon. friend had no other object than to save the country; and if he could effect that object, he did not care, if he even saved the present administration also.

Mr. *Haldimand* said, that as the country had now gone through all the distress which was likely to arise from the bill of 1819, it was rather too late to propose the reconsideration of that measure. He contended, that a depreciation of the currency to be at all serviceable ought to be going on from month to month, from week to week, and from day to day. Did his hon. friend, the member for Essex, wish for such a depreciation? The depreciation must stop at some point; and when it had arrived at that point, the advantages to be derived from it must cease to operate. He had heard of late many charges brought against the Bank of England, on account of the transactions which passed between it and the public. All of them appeared to him to be unfounded, save one; and even that charge, supposing it valid, would not weigh much against the Bank, considering that for the last five and-twenty years they had not been much accustomed to payments in cash. The fact was, that the Bank of England, looking forward to the resumption of cash payments, had accumulated a large quantity of gold in its coffers, and by so doing had, as the hon. member for Portarlington observed, appreciated the currency. Whether the Bank had been right or wrong in collecting such a quantity of gold, which might have been as well at the bottom of the sea as in their coffers, he would not now attempt to argue. He would simply state that the appreciation of the currency had gone much farther than the Bank originally contemplated. With regard to the circulation of Bank paper, he would take the liberty of making one remark; and that was, that so long as the Bank was ready to pay its notes in gold, the House had no reason to complain whether there were five millions more or less of their notes in circulation.

Mr. *Ricardo* said, that he agreed in a great deal of what had fallen from his hon. friend who spoke last, and particularly in his view of the effect of the preparations made by the Bank for the resumption of payments in specie; it was undeniable, that the manner in which the Bank had gone on purchasing gold to provide for a metallic currency, had materially affected the public interests. It was impossible to ascertain what was the amount of the effect of that mistake on the part of the Bank, or to what precise extent their bullion purchases affected the value of gold; but, whatever the extent was, so

far exactly had the value of the currency been increased, and the prices of commodities been lowered. His hon. friend had said, that whilst the Bank was obliged to pay its notes in gold, the public had no interest in interfering with the Bank respecting the amount of the paper circulation, for if it were too low, the deficiency would be supplied by the importation of gold, and if it were too high, it would be reduced by the exchange of paper for gold. In this opinion he did not entirely concur, because there might be an interval during which the country might sustain great inconvenience from an undue reduction of the Bank circulation. Let him put a case to elucidate his views on this subject. Suppose the Bank were to reduce the amount of their issues to five millions, what would be the consequence? The foreign exchanges would be turned in our favour, and large quantities of bullion would be imported. This bullion would be ultimately coined into money, and would replace the paper-money which had previously been withdrawn; but, before it was so coined, while all these operations were going on, the currency would be at a very low level, the prices of commodities would fall, and great distress would be suffered.—Something of this kind had, in fact, happened. The Bank entirely mismanaged their concerns in the way in which they had prepared for the resumption of cash payments; nothing was more productive of mischief than their large purchases of gold, at the time to which he alluded. They ought to have borne in mind that, until the year 1823, the bill of his right hon. friend (Mr. Peel), did not make it imperative on the Bank to pay in specie.—Until the arrival of that period, the Bank were only called upon to pay in bullion, and in 1819, when the bill passed, their coffers contained a supply amply sufficient to meet all demands, preparatory to the final operation of the right hon. gentleman's bill. That bill he had always considered as an experiment, to try whether a bank could not be carried on with advantage to the general interests of the country, upon the principle of not being called upon to pay their notes in coin, but *in bullion; and he had not the least doubt* that, if the Bank had gone on wisely in *their preliminary arrangements—if, in fact,* they had done nothing *but watch the ex*changes and the price of gold, and had regulated their issues accordingly, the years 1819, 1820, 1821, and 1822 would have passed off so well with the working of the bullion part of the plan, that parliament would have continued it for a number of years beyond the time originally stipulated for its operation. Such, he was convinced, would have been the course, had the Bank refrained from making those unnecessary purchases of gold which had led to so many unpleasant consequences. But it was said by his hon. friend (Mr. Haldimand), that the Bank had since 1819 kept up their circulation to the same level as before 1819, and that, therefore, they had not caused the favourable exchange, and the influx of gold. He denied this—he denied that their issues were now as large as in 1819; but allowing, for the sake of argument, that they were so, he should still make it matter of charge against the Bank, that they had not increased their issues, so as to operate on the foreign exchanges, and prevent the large importations of gold. With reference to the conduct of the Bank on that occasion, it had been said on a former evening, by an hon. Bank director, (Mr. Manning), in the way of justification, that they were not left masters of their own proceedings—that the numerous executions for forgery throughout the country, had made the public clamorous for a metallic circulation so as in a measure to compel the Bank to precipitate the substitution of coin for their one and two pound notes; but the Bank lost the benefit of this argument, by the opposition which they made throughout the discussions of the committee and the House in 1819, against every description of metallic payments.—He believed, indeed, that after they had accumulated gold in large quantities, they thought it expedient to substitute it in the form of coin for the one and two pound notes, and also for the reason which they had given; but this consideration did not lead them to limit their issues and to purchase the large quantities of gold; and it was of the effect of such limitation and of those purchases which he complained, and against this charge they had made no defence, nor could they make any. After their remonstrances to the committee, and to the *chancellor of the exchequer, on the subject of the ill consequences of restricting their issues, why did they promote the* evil which they deprecated—why make those purchases for amply filled coffers—why take a step so inevitably leading to mischief? He could ascribe it to one

cause only, namely, that they were ignorant of the principles of currency, and did not know how, at such an important moment, to manage the difficult machine, which was intrusted to them. He was surprised, after what had been said by the hon. member for Shaftesbury (Mr. Leycester), of the character of Mr. Peel's bill, that he should have come to the conclusion of voting for the appointment of a committee. If the past measures, so far as parliament had acted in this bill, were right, for what purpose was the committee? The declared object of the motion was to alter the standard, and he could not see, how, after, the hon. gentleman's argument in favour of adhering to the present standard, he could vote for a motion tending to such an alteration. It had been said by his hon. friend the member for Newton (Mr. H. Gurney), that they had begun at the wrong end—that they should in the first instance, have called on the private bankers to pay their notes in specie, and afterwards on the Bank of England to pursue the same course. Such a proposition, he thought, would have been absurd. The Bank of England had the power, by regulating its issues, of depreciating or increasing the value of the Bank note just as they pleased—a power which the country banks had not. The Bank of England could depreciate, as was the case in 1812 and 1813, their one pound note to the value of 14s., or they could increase it to the value of two sovereigns by an opposite course, provided the Mint, by coining, did not counteract their operations. It was impossible, therefore, and if even possible, it would be most unjust, to require private banks to call in their notes and to pay in specie, leaving at the same time this great Leviathan, the Bank, to continue its paper issues at will, and not subject to the same metallic convertibility.

In touching upon this subject, he must say that his opinion had been much misunderstood, both within and without the walls of parliament; and if it were not too great a trespass upon the indulgence of House, he should wish to take this opportunity of explaining himself. In doing so he could not do better than refer to an observation which had fallen from the hon. alderman (Heygate) in the course of the debate. He had said, that if gold were the index of the depreciation of the currency, then his (Mr. Ricardo's) argument founded upon it might be good, and that the sacrifice of 3 or 4 per cent in establishing the ancient standard was small in the estimate of the advantages attending it: but he (the hon. alderman) did not concur in the opinion, that gold was the index of the depreciation of the currency. Now, the whole difficulty in reference to this part of his opinions was, as to the meaning of the word "depreciation:" it was quite evident that the hon. alderman and himself attached a different sense to that word. Suppose the only currency in the country was a metallic one, and that, by clipping, it had lost 10 per cent of its weight; suppose, for instance, that the sovereign only retained 9-10ths of the metal which by law it should contain, and that, in consequence, gold bullion, in such a medium, should rise above its mint price, would not the money of the country be depreciated? He was quite sure the hon. alderman would admit the truth of this inference. It was quite possible however, that, notwithstanding this depreciation, some of those general causes which operate on the value of gold bullion, such as war, or the mines from which gold is annually supplied becoming less productive, that gold might be so enhanced in value, as to make the clipped sovereign comparatively of greater value in the market than it was before the reduction in its weight. Would it not then be true that we should possess a depreciated currency, although it should be increased in value? The great mistake committed on this subject was in confounding the words "depreciation" and "diminution in value. With reference to the currency, he had said, and he now repeated it, that the price of gold was the index of the depreciation of the currency, not the index of the value of the currency, and it was in this that he had been misunderstood. If, for instance, the standard of the currency remained at the same fixed value, and the coin were depreciated by clipping; or the paper money by the increase of its quantity, five per cent, a fall to that amount and no more, would take place in the price of commodities, as affected by the value of money. If the metal gold (the standard) continued of the same precise value, and it was required to restore the currency thus depreciated five per cent, to par, it would be necessary only to raise its value five per cent, and no greater than that proportionate fall could take place in the price of commodities. In these cases he had supposed gold always to remain at

the same fixed value; but had he ever said that there were not many causes which might operate on the value of gold as well as on the value of all other commodities? No, he had not, but just the contrary. No country that used the precious metals as a standard, were exempted from variations in the prices of commodities, occasioned by a variation in the value of their standard. To such variations we had been subject before 1797, and must be subject to again, now that we have reverted to a metallic standard. In the plan which he had proposed, there was nothing which could cause a demand for gold, and therefore he had been justified in anticipating a variation in the price of commodities, from adopting it, of only five per cent, the then difference between the value of gold and of paper. If, indeed, it had been necessary to purchase gold in order to revert to a metallic standard, then he would allow that a greater difference than 5 per cent would take place in prices, but this was wholly unnecessary, because we had adopted a gold standard, were we therefore to be exempted from those variations in the prices of commodities which arose from the cheapness of their production at one period compared with another? Was the discovery of new improvements in machinery, or a superabundant harvest, or any of those general causes which operate to reduce price, to have no effect? Were the injudicious purchases of the Bank to have no effect on the value of gold? Did he deny that in the present state of the world, the occurrences in South America, might have impeded the regular supply of the precious metals to Europe, have enhanced their value and affected the prices of commodities all over the world.

It had been imputed to him that he entertained the extravagant idea, that if a metallic standard was adopted, from that moment commodities were never to vary more than 5 per cent. A proposition so absurd he had never maintained—his opinion on that subject had never changed, and, if not intruding too much on the time of the House, he would quote a passage from a pamphlet he had published in 1816, on the subject of his plan of bullion payments, to show the House what that opinion had then been:—

"When a standard is used, we are subject only to such a variation, in the value of money as the standard itself is subject to; but against such variation there is no possible remedy, and late events have proved that, during periods of war, when gold and silver are used for the payment of large armies, distant from home, those variations are much more considerable than has been generally allowed. This admission only proves that gold and silver are not so good a standard as they have been hitherto supposed; that they are themselves subject to greater variations than it is desirable a standard should be subject to. They are, however, the best with which we are acquainted. If any other commodity less variable could be found, it might very properly be adopted as the future standard of our money, provided it had all the other qualities which fitted it for that purpose; but while these metals are the standard, the currency should conform in value to them, and, whenever it does not, and the market price of bullion is above the Mint price, the currency is depreciated."

Such were the arguments he had always used, and he still adhered to them. He hoped the House would pardon this personal reference to his own opinion: he was very averse from intruding on their patience; but he was as it were put upon his trial—his plan had not been adopted, and yet to it was referred the consequences which were distinct from it; and he was held responsible for the plan that had been adopted, which was not his, but was essentially different from it. Such was the singularity of his situation, and if the House would indulge him by permitting one more reference to his opinions expressed in that House in the year 1819, he should have done with that part of the argument which was strictly personal. What he had said in his speech, during the former discussion of Mr. Peel's bill (and he quoted it now from the usual channel of information—the Reports), was this, "If the House adopted the proposition of the hon. gentleman (Mr. Ellice),* another variation in the value of the currency would take place, which it was his wish to guard against. If that amendment were agreed to, an extraordinary demand would take place for gold, for the purpose of coinage, which would enhance the value of the currency three or four per cent in addition to the

* Mr. Ellice's proposal was, to allow the Bank to make payments in coin instead of bullion if they should think it expedient.

first enhancement." "Till October, 1820, the Bank need make no reduction, and then a slight one; and he had no doubt that, if they were cautious, they might arrive at cash payments without giving out one guinea in gold. The Bank should reduce their issues cautiously, he only feared they would do it too rapidly. If he might give them advice, he should recommend to them not to buy bullion, but even though they had but a few millions, he would boldly sell." Such were his expressions in 1819. Had his recommendations been adopted? No. Why, then, was he to be held chargeable for results over and above the effect of raising the currency from the actual state of depreciation at which it stood at the time?

Having explained these personal allusions, he should now say a little upon the general question, which had not, in his opinion, been very fairly argued. A constant reference had been made to the extreme point of the depreciation in the currency, which they knew occurred in the year 1813; and Mr. Peel's bill had been argued upon as if it had been passed in that year, and had caused all the variation which it was acknowledged had taken place in the currency from that period to the present time. This was a most unfair way of arguing the question, for to Mr. Peel's bill could only be imputed the alteration which had taken place in the currency between 1819 and the present period. What was the state of the currency in 1819? It was left entirely under the management and control of a company of merchants—individuals, he was most ready to admit, of the best character, and actuated by the best intentions; but who, nevertheless—and he had declared plainly his apprehensions at the time—did not acknowledge the true principles of the currency, and who, in fact, in his opinion, did not know any thing about it. This company of merchants were, then, invested with the management of the great and important concern on which the welfare of the country, and the stability of its best interests, materially depended. They were the men who had the power of making their one pound note worth 14*s.* or 17*s.* or 18*s.* or 19*s.*, as it had successively been, under their guidance, between the years 1813 and 1819. In the latter year, and for four years previous to it, the system had so operated as to bring the currency within something like 5 per cent of its par value. The time was then favourable for fixing a standard which was likely to save the country from the vacillation of such a system as that which had previously so much affected it. The time had then arrived (in 1819) for fixing a standard, and the only consideration was as to the selection of the particular standard which ought to be adopted. They had two courses of proceeding open to them on that occasion; one was either to regulate the standard by the price of gold at the moment, or to recur to the ancient standard of the country. If, in the year 1819, the value of the currency had stood at 14*s.* for the pound note, which was the case in the year 1813, he should have thought that upon a balance of all the advantages and disadvantages of the case, it would have been as well to fix the currency at the then value, according to which most of the existing contracts had been made; but when the currency was within 5 per cent of its par value, the only consideration was, whether they should fix the standard at 4*l.* 2*s.*, the then price of gold, or recur at once to the old standard. Under all the circumstances, he thought they had made the best selection in recurring to the old standard. The real evil was committed in 1797, and the opportunity of mitigating its consequences was lost by the conduct subsequently pursued by the Bank; for even after the first suspension, they might, by proceeding upon right principles in managing their issues, by keeping the value of the currency at or near par, have prevented the depreciation which followed. It might be asked how they could have done so? His reply was, that *quantity regulated the value of every thing.* This was true of corn, of currency, and of every other commodity, and more, perhaps, of currency, than of any thing else. Whoever, then, possessed the power of regulating the quantity of money, could always govern its value, and make the pound note, as he had said before, worth fourteen shillings or two sovereigns, unless the mint, by opening to coin for the public, counteracted the operation of the Bank issues. By pursuing a wise and prudent course, the Bank might have so regulated its affairs, as to have prevented the currency from sustaining any depreciation from 1797 downwards; they might, in fact, have governed the market-price of bullion; and the foreign exchanges; but, unfortunately, they had

not taken the steps necessary for that purpose.

With respect to the bill of 1819, he must say, that he never regretted the share which he had taken in that measure. —[Hear, hear.] Remarks had frequently been made upon an opinion which he (Mr. Ricardo) had given of the effect which had been produced on the value of gold, and therefore on the value of money, by the purchases made by the Bank, which he had computed at five per cent, making the whole rise in the value of money ten per cent. He confessed that he had very little ground for forming any correct opinion on this subject. By comparing money with its standard, we had certain means of judging of its depreciation, but he knew of none by which we were able to ascertain with certainty alterations in real or absolute value. His opinion of the standard itself having been raised five per cent in value, by the purchases of the Bank, was principally founded on the effect which he should expect to follow, from a demand from the general stock of the world of from fifteen to twenty millions worth of coined money. If, as he believed, there was in the world twenty times as much gold and silver as England had lately required to establish her standard on its ancient footing, he should say that the effect of that measure could not have exceeded five per cent. The hon. member, who had brought forward this motion had disputed the propriety of the standard recognized by Mr. Peel's bill, and contended, that the value of corn would have formed a better and more fixed standard. His reason in support of such an opinion was, that the average price of corn, taken for a series of ten years, or for longer periods, furnished a standard less liable to variation than the standard of gold. He did not perfectly comprehend that part of the hon. member's argument. Either he meant that the country ought to have a fixed metallic standard, regulated by the price of corn each year, as deduced from the average of the ten previous years, or else by an average for ten years, determinable at the expiration of every ten years. Now, in any way in which the average could be taken, according to either plan, there would be a sudden and considerable variation in the value of the currency. To-day, for example, the standard might be fixed with reference to the price of corn, when its average price was 80*s.* per quarter, and to-morrow, if that were the period for correcting the standard of money by such a regulation, it might be necessary to alter it to 85*s.* or 90*s.*; thus causing a sudden variation in all money payments from one day to another. [Mr. Western here signified his dissent.] He was extremely sorry to have mistaken the hon. member, and he would not press this part of his argument. He must, however, say, that to take the average price of corn, as the best measure of value, was a most mistaken principle. The hon. member had, indeed, quoted in support of such a measure of value, the concurring authorities of Locke and Adam Smith, who had asserted that the average price of corn, during a period of ten years, was a less variable standard than gold; and in support of the opinion, the prices taken according to such an average were quoted. But the great fallacy in the argument was this—that, to prove that gold was more variable than corn, they were obliged to commence by supposing gold invariable. Unless the medium in which the price of corn is estimated could be asserted to be invariable in its value, how could the corn be said not to have varied in relative value? If they must admit the medium to be variable—and who would deny it?—then what became of the argument? So far from believing corn to be a better measure of value than gold, he believed it to be a much worse one, and more dependent upon a variety of fluctuating causes for its intrinsic value. What was the real fact? In populous countries, they were compelled to grow corn on a worse quality of land than they were obliged to do when there was not the same demand for subsistence. In such countries then, the price must rise to remunerate the grower, or else the commodity must be procured from abroad by the indirect application of a larger capital. There were many causes operating on the value of corn, and therefore making it a variable standard.—Improvements in husbandry; discoveries of the efficacy of new manure; the very improvement of a threshing-machine, had a tendency to lower the price. Again, the different expense of production, according to the capital necessary for cultivation, and the amount of population to be supplied with food, had a tendency to augment the price. So that there were always two causes operating and contend-

ing with each other, the one to cheapen and the other to increase the price of the commodity; how, then, could it be said to furnish the least variable standard?—[Hear, hear.] It was a part of Adam Smith's argument that corn was a steadier criterion, because it generally took the same quantity to furnish one man's sustenance. That might be; but still the cost of production did not the less vary, and, that must regulate the price. Its power of sustaining life was one thing: its value was another. He fully agreed with the hon. member for Essex, that there were various causes operating, also, on the value of gold, some of which were of a permanent, and others of a temporary nature. The more or less productiveness of the mines were among the permanent causes; the demands for currency, or for plate, in consequence of increased wealth and population, were temporary causes, though probably of some considerable duration. A demand for hats or for cloth would elevate the value of those commodities, but as soon as the requisite quantity of capital was employed in producing the increased quantity required, their value would fall to the former level. The same was true of *gold*: an increased demand would raise its value, and would ultimately lead to an increased supply, when it would fall to its original level, if the cost of production had not also been increased. No principle was more true than that the cost of production was the regulator of value, and that demand only produced temporary effects. The hon. member (Mr. Western) had entered into elaborate statements of the amount of taxation at different periods, estimated in quarters of wheat, and from this statement he inferred an enormous fall in the value of money. Now, if these calculations, and the mode of applying them, were of any value, they must apply at all times as well as at the present. Let the hon. member, then, extend his calculations a little over former times, and see how his reasonings applied. If reference were made to three particular years which he should name, the hon. gentleman's calculation would look a little differently to what it did at present. The price of wheat was, in 1796, 72*s.* per quarter; in 1798 (only two years afterwards) it fell to 50*s.*; in 1801 it rose as high as 118*s.*—[Hear!]. This was the enormous fluctuation of only three years. Here, then, the House had the experience of so short a period as three years, and of the variations of price in that time. The hon. gentleman, in his argument, had assumed, that the price of wheat was to be permanent as it now stood. He (Mr. Ricardo) thought it was by no means likely to be permanent; he anticipated that it would rise; and, indeed, if the present was not a remunerating price, it was impossible that it should not rise; for in no case would production go on, for any considerable length of time, without remunerating prices. The alteration in the price of the quarter of wheat, then, in three years, was as the difference between 50*s.* and 118*s.* But, in 1803, the price fell again to 56*s.* In 1810 it attained 106*s.* and in 1814 was reduced to 73*s.* The variations, in short, were infinite and constant—[Hear!]. Then, with regard to the price of flour, he had ascertained, that in the year 1801, in the month of July, the Victualling office at Deptford paid 124*s.* for the sack of flour. In December of the same year they paid only 72*s.* In December, 1802, they paid for the same commodity and quantity, 52*s.*; in December, 1804, 89*s.*; and in subsequent years the price per sack was successively from 99*s.* to 50*s.*, in short, as uncertain as possible. All these details tended to show that the price of corn was perpetually fluctuating and varying; and it would only be wonderful if such were not the case. The hon. gentleman had said, that he hoped no member of that House would, with a contrary conviction on his mind, refuse, from motives of mistaken pride or prejudice, to acknowledge any former error into which he might have fallen in the consideration of these subjects. He (Mr. R.) could assure the hon. gentleman, that so far as he himself might be supposed to be concerned, he would not allow any foolish pride of the sort to operate with him. The hon. gentleman had remarked, at some length, on the evidence which had been furnished to that House by Mr. Tooke, with respect to the effect of an abundance of commodities lowering prices. Those prices were said to have fallen considerably more than ten per cent; but Mr. Tooke expressly said, that of the commodities he mentioned, there was not one, for the depreciated value of which, when it exceeded ten per cent, he could not well account. The quantity of all articles of consumption which had been brought into our markets, during the time of which that

gentleman spoke, exceeded the quantity furnished in any former period; and there were some of the imported articles, the prices of which had continued to fall ever since, as sugars and cotton. But surely this could not be matter of surprise, when the House looked at the augmented quantity. The hon. gentleman had dwelt much on the injury which he conceived the country had sustained in consequence of loans that had been contracted for, at periods when the prices of the public funds were low, and which were now to be redeemed when the prices were high; and to make the disadvantages still more apparent, the calculation of the hon. gentleman was made in quarters of wheat at the corn prices of those times. The hon. gentleman said, "in order to pay that stock at the present value of money, I require such an additional number of quarters of corn." Any body who heard the hon. gentleman's speech would naturally have supposed that the rise in the price of the funds was necessarily connected with the increased value of the currency. But this could not be so; if the value of the currency had any thing to do with it, the contrary effect would take place. But the alteration in the value of the currency had nothing to do with this question; if the dividends were paid in a more valuable medium, so was the price of stock estimated in the same valuable medium; and if the dividend were paid in the less valuable medium, so also was the price estimated in the like medium. During the American war, the three per cent consols were as low as 53; and afterwards they rose to 97. At that time there had been no tampering with the currency. What, therefore, could the value of the currency have to do with the price of the funds? If a man wanted money upon mortgage now he could raise it at four per cent; whereas, during the continuance of the late war, he not only gave seven or eight per cent, but was obliged to procure the money, after all, in a round-about manner. The whole of the argument might be reduced to the statement of a single fact, which was this—they who invested sums of money in the funds at this day would get a low interest in return; those who had invested during the war had obtained a large interest.—With respect to an argument which had been advanced by the hon. member for Shrewsbury (Mr. Bennet) he could not concur in it. It was contended by his hon. friend, that the whole loss on the recoinage of money in king William's reign, when it was restored from a depreciated to a sound state, was about two millions and a half; and he estimated the inconvenience and loss to individuals at that sum. But his hon. friend forgot that contracts in all countries existed in a much larger proportion than money, and consequently the loss must have been much greater than his hon. friend had estimated. The contracts might, in fact, be twenty or fifty times the amount of money, and therefore the interests of particular parties would have been affected accordingly. It was quite clear, that any alteration effected in the value of currency must of necessity, now as well as at all other times, affect one party or the other to such contracts; but this was an effect perfectly natural and inevitable.

To recur to the question before the House, he must say, that the motion of the hon. member for Essex was calculated to awaken and renew the agitation, which he had hoped would, ere this, have subsided. It was calculated to do much mischief—[Hear!]. If there were any chance of the hon. gentleman's motion obtaining the support of the House, its success must be attended with the effect which, on the preceding evening, his right hon. friend (Mr. Huskisson) had ably pointed out. Every person would be eager to get rid of money which was to be rendered liable to an excessive and immediate depreciation. Every one would be anxious to withdraw it, as it were, from a currency of which he must anticipate the fate; he would be directly embarking it in gold, ships, goods, property of any kind that he might deem more likely to retain a steady value than money itself. He (Mr. R.) believed that the measure of 1819 was chiefly pernicious to the country, on account of the unfounded alarms which it created in some men's minds, and the vague fears that other people felt lest something should occur, the nature of which they could not themselves define. That alarm was now got over; those fears were subsiding; and he conceived, that as the depreciation in the value of our currency, which a few years ago was experienced, could not possibly return upon us in future, if we persevered in the measures we had taken, it would be the most unwise thing in the world to interfere with an

act, the disturbance of which would unsettle the great principle we had established. He did flatter himself, that after the suffering which the country had undergone, in consequence of the Bank Suspension bill, a measure of a similar character would never again be resorted to. His hon. friend (Mr. Bennet) had stated, that the depreciation in the value of the currency was in 1813 about 42 per cent. He thought his hon. friend had much overstated the amount of the depreciation. The highest price to which gold had ever risen, and that only for a short time, was 5*l.* 10*s.* per ounce. Even then the Bank-note was depreciated only 29 per cent, because 5*l.* 10*s.* in Bank-notes could purchase the same quantity of goods as the gold in 3*l.* 17*s.* 10½*d.* of coin. If, then, 5*l.* 10*s.* in Bank-notes was worth 3*l.* 17*s.* 10½*d.* in gold, 100*l.* was worth 71*l.*, and one pound about fourteen shillings, which is a depreciation of 29 per cent, and not 42 per cent, as stated by his hon. friend. Another way of stating this proposition might make it appear that money had risen 42 per cent; for if 14*s.* of the money of 1813 were now worth 20*s.*, 100*l.* was now worth 142*l.*; but as he had already observed, nothing was more difficult than to ascertain the variations in the value of money—to do so with any accuracy, we should have an invariable measure of value; but such a measure we never had, nor ever could have. In the present case, gold might have fallen in value, at the same time that paper-money had been rising; and therefore, when they met, and were at par with each other, the rise in paper-money might not have been equal to the whole of the former difference. To speak with precision, therefore, of the value of money at any particular period, was what no man could do; but when we spoke of depreciation, there was always a standard by which that might be estimated. Another argument of his hon. friend greatly surprised him: he objected to the amendment of his right hon. friend (Mr. Huskisson), because it did not give him sufficient security that the standard would not be at some future time altered. He appeared to fear that recourse might, on some supposed emergency, again be had to the measure of 1797. In short, his hon. friend was for adhering to the standard fixed by Mr. Peel's bill; and yet, in the same breath, added, as it appeared to him (Mr. R.) most inconsistently, that he would vote for the motion of the hon. member for Essex, which professedly went to alter that standard.

Mr. *Pearse* said, that the hon. member for Portarlington had charged the Bank with error and indiscretion in having become too extensive purchasers of gold, in consequence of the passing of the act of 1819. The fact was, that the Bank were quite passive in taking the gold from the merchants who offered it for their purchase. The consequence, however, had been, that bullion had been paid whenever it had been demanded, and that an issue of 10 or 11,000,000 of gold sovereigns had taken place. Ever since he had been connected with the establishment, he had been invariably against all forced or artificial measures. The circumstances which had chiefly led to the late high and the existing low prices, and plenty of gold, were, perhaps, these:—in 1797, the country was pretty full of gold. During the ensuing year some gold, in small quantities, was sent out of the country, to pay a few balances, such as purchases of corn and other commodities. As fast as that gold went out of the country, the quantity of Bank notes issued was increased. Up to the year 1810, which was 13 years after the suspension of cash payments, gold enough was left in the country to pay all its foreign balances. By the end of the year 1813, the war had become excessively expensive, and very large quantities of wheat were purchased. Still, however, sufficient gold was left in the country to pay the same balances; but it was at this period that it obtained its excessive price. In four years afterwards, when the war and these several causes ceased, gold fell extremely. When peace returned, and trade was more regularly settled, the exchanges became gradually more favourable to us. The issue of Bank-notes in the meantime certainly continued; but it was with great regularity. In fact, the Bank had no means of making forced issues. In proportion as the nominal value and the trading value of gold was different, the transactions between man and man were more or less affected; but the issues of Bank-notes were kept up, always with reference to the standard price of gold. He would assert, that as the Bank had never forced an issue, so neither had there ever been any depreciation in the value of their notes, with reference to the price of gold.

Sir *F. Burdett* said, that if ever there

was a period which required great firmness and strength of mind, it was that at which his hon. friend, the member for Essex, had brought forward the present motion. His hon. friend had shown to the House and to the country, that when once his mind was fully made up upon a measure which he was convinced would be of great public benefit, he was not to be deterred by any consideration—he was not to be barred by any obstacle—from using his best efforts to put that measure into execution. It might be said of his hon. friend, what had been said of a great man of former times — "Vincit amor patriæ." With this feeling as to the conduct of his hon. friend, the member for Essex, he must take the liberty to complain a little of the hon. member for Portarlington, who seemed to him to hint something like a disapprobation of that conduct. That hon. member had objected to the motion, on the ground that it would end in disappointment, and would create a fever in the public mind; and had treated it with less of liberality, than, judging from his general habits, was to have been expected from him. Knowing his hon. friend as he did, he felt surprised that the hon. member for Portarlington should for a moment imagine any thing but good could result from a member of parliament's openly speaking the truth in that House. Now, that good must result from the motion was evident; for, if his hon. friend was mistaken as to the causes which had produced the distresses under which the country laboured, then the fallacy would be exposed, and the fever which such opinions may have created in the country removed; but if the distress was produced by those causes, then the House, knowing the evil, would be bound to inquire into and remedy it as speedily as possible. The hon. member for Portarlington had alluded to the various prices of corn at different periods, but he (sir F. B.) differed totally from the hon. member's inferences from those arguments. It was contended, that the limited circulation of our currency had produced distress; and the hon. member had proceeded to prove, that there had been high and low prices at different periods, without producing any fluctuation in the currency. But the hon. member had not shown that at the periods when those high and low prices existed there was a severe pressure of distress in the country, as was unfortunately the case at present. But when the hon. member had, in his consideration of the whole effect of this measure, by which the circulating medium of the country had been so much decreased, estimated the whole amount of that effect at 10 per cent, or 20 per cent on prices (or whatever his calculation might be), it did appear to him (sir F. B.) that the hon. gentleman, if he supposed that the loss to the public was no more than would result from this 10 or 20 per cent, was totally mistaken. [Mr. Ricardo expressed his dissent from this statement]. He (sir F. B.) appeared to be in error in the statement he was making, and therefore would not pursue it. But suppose that any portion, say one-fifth, of the circulating medium of the country had been withdrawn, he (sir F. B.) contended, that the effect would be to decrease the whole income of the productive classes of the community—the agriculturists, the manufacturer, and the merchant—in the proportion of one-fifth. Taking the gross produce of the income of the productive classes at 600,000,000*l.* (and for aught he knew, it might be more), then if one-third (and he apprehended that one-third of our currency had actually been withdrawn), if one-third of their circulating medium were taken away, the loss to them would not be in proportion of that one-third merely, nor any thing like it. But it would be a loss of income, to the productive classes, of 200,000,000*l.* That was the proper way of looking at the thing. The mere matter of the money being lost was nothing: but here, were those classes, with a loss of one-third of their means, called upon to pay all burthens and debts, contracted and levied during a period of great depreciation. They required to be allowed to pay in proportion: and not only was this not an injustice, but it might be the destruction of the country if they attempted to discharge them in any other way.

Now, with respect to the injustice, as it was called, that would accrue from a revision of the currency and an adjustment of the contracts between the government and the public creditor. Good God! did any body believe that, after dealing in a depreciated currency for five and twenty years, there would be any injustice, on the alteration of the standard, in making allowance for that depreciation? The taxes had been imposed in this depreciated currency, and consequently their nominal amount had increased in proportion to the

depreciation; the civil list had been augmented to meet the reduction in the standard: salaries and allowances out of the public revenue had been increased in the same ratio from the same cause; all the expenditure of government had been settled with a view to the depreciation: all contracts between man and man had been affected by it. Could there then be any injustice in taking this into consideration, when we felt ourselves pressed down by the evils of a change in our money system? What injustice could there be in demanding a reduction of the nominal amount of the taxes, proportioned to the rise in the value of the standard, as their nominal amount had been increased in proportion to the depreciation? The people, at the time when these taxes were imposed, when the government expenditure was increased and their own contracts were formed, were aware that a change had taken place in the currency, though they could not then ascertain its nature, or see into all its consequences. This change they called high prices. With a view to those high prices, therefore, every mortgage was entered into, every family arrangement made, every provision for children settled, and every contract formed. All parties, both debtor and creditor, both those who were to pay and those who were to receive, carried on their transactions, and arranged their plans, in the confidence that high prices would continue; or, in other words, that the currency would not be altered. What injustice was there, therefore—since we had now altered the standard—in taking into view this mass of contracts, plans, engagements, public and private obligations, national burthens, and official incomes, which had arisen during the high prices, and under a belief that the standard would not be again altered? When gentlemen talked of the injustice of interfering with existing contracts, they ought to recollect that the injustice did not begin now. They ought to have given due weight to their principles, and paid a proper deference to their moral feelings, when they originally allowed the standard to be altered by the measure of 1797. But then, when they permitted the conditions of all contracts to be altered, they never thought of that injustice which they now brought forward as a bar to the present motion. Nay, from a blind confidence in the minister, they gave their votes in favour of an alteration in the standard, and thus laid the foundation for all those evils under which the country now laboured.

Reference had been made by a right hon. gentleman (Mr. Huskisson) to the proceedings with respect to the currency in king William's time, and it had been broadly stated, that similar calamities had been the result of similar causes both then and now. But nothing could be more opposite than the two cases, either in respect to the amount of calamity experienced, the nature of the transactions out of which it arose, or the conduct and principles of the government by which it was met. At the period when king William restored the currency, the silver was clipped and reduced in value, but the whole of the currency was not depreciated. It was only the silver coin that was debased; the gold maintained its standard qualities; and out of the 9,000,000 of money in circulation 4,000,000 were gold. The good gold circulation for some time sustained the bad silver; but when the deterioration of the latter came to be generally known, it fell in price, and two standards were formed. What did the minister of king William do in this emergency? He did not get the Bank to issue paper, and then empower it to stop payment: he did not force the deteriorated currency on the country: he did not declare that the bad silver should be a legal tender, as Bank-notes had been declared by the restriction laws. No: instead of keeping the debased money in circulation, he recalled it; instead of making it legal tender, he passed severe laws and enacted heavy penalties against those who should receive it. The ministers of that day even took to themselves blame for not being able to recall it as early as they wished, and endeavoured to protect the public from the frauds and cheats resulting from it. They went further. They not only cried down the bad money, but they offered to receive it in full for the taxes, carried it to the mint, and recoined it. Even for a considerable length of time, when this clipt money was prohibited from circulation, it was received in payment into the treasury at its nominal value. What analogy was there between conduct like this and the measures which had been adopted in and subsequent to the year 1797? The former showed honesty and integrity: it was intended to preserve, not to alter the standard; while the measures of the present period introduced as complete a change into the standard, as if the coin had been debased by act of par-

liament in 1797, and raised since 1814. It was in consequence of the debasing of the coin in the time of king William, and proposals for restoring it, that the controversy, so often alluded to, arose between Mr. Locke and Mr. Lowndes. The latter declared that bullion had risen in value, because the silver coin had fallen. "No, (said Mr. Locke), "bullion has not risen but the currency is debased." As a remedy for the evil, Mr. Lowndes, consistently enough with his theory, proposed to alter the standard; for it should be remarked that the standard had not then been altered as now. Mr. Locke, on the other hand, contended wisely and irresistibly, that the remedy was not to be found in an alteration of the standard, but in a restoration of the coin to its legal weight and fineness—that an alteration of the standard would create the greatest embarrassment, and be accompanied with the greatest injustice. What Mr. Locke so strongly objected to, we had twice done we had altered the standard in 1797, and again, by the measure pursued for the resumption of cash payments, since 1814. The clipt money of that period could be objected to; it was not the lawful money of the country, whereas, the deteriorated currency of 1797 was declared a legal tender. Mr. Locke had ably stated those reasons for not altering the standard, which ought to have occurred to our ministers for not passing the act of 1797. It would, he said, alter all contracts. Those who owed money would pay less than they had engaged to pay, and those who were creditors would receive less than they had stipulated to accept. We had altered the standard twice, and were now suffering from the consequences of changes that ought to have been foreseen.

The question was, how, in our present circumstances, injustice was to be avoided, and distress removed. It could not be denied, that a great part of the public debt was contracted in a depreciated currency. The hon. member for Portarlington had admitted this, and had stated that in 1813, the pound was about equal to 14 shillings, at which it might have been retained. That was probably what his hon. friend, the member for Essex, would have proposed. There was no room to doubt that by neglecting this fact, and restoring the currency to its ancient standard, without making allowance for the previous depreciation, the greatest injustice was done to all classes of the community, but especially to the industrious classes. By continuing to support the act by which these evils were produced, the injustice was perpetuated. When he spoke of Mr. Peel's bill as the cause of the evil, he merely alluded to it as the consummation of a system which had worked its chief effects before its enactment; and, consequently, that bill in itself could no more be justly accused of producing our present distress, than the lamb in the fable, of giving disturbance to the wolf, the year before it was born. In entering on the inquiry proposed by the motion, the committee would not, therefore, confine itself to the consequences of that measure alone. All the difficulties of the country, arising from legislative interference with the currency since 1797, must be looked in the face and fully examined. No man could deny that great injustice had been done, and overwhelming calamities experienced; and it surely could be no sufficient answer to a call for inquiry into the extent of the evil, and the nature of the remedy—that his majesty's ministers had resolved to do nothing—that they had determined to let the country sink or swim, rather than re-open the question?—The hon. baronet again reverted to the proceedings with respect to the currency in king William's time, and showed not only the difference but the contrast between them and the late measures. The two cases had not a feature of resemblance, either as regarded the state of the country or the conduct of the government. The ministers of that day endeavoured to prevent any alteration of the currency. The ministers of the present day thought nothing of the public injustice they were committing, or the national suffering they were creating, but had been solely occupied with the idea of getting as much money as they could from the Bank, and thus obtaining the means of accomplishing their projects, at whatever sacrifice of the general interests. When the silver coin was cried down in William's time the debased money amounted only to 5,000,000*l*., circulating with 4,000,000*l*. of good gold currency. When, in 1814, measures were taken to restore the standard, we had 70,000,000*l*. of a currency, including Bank of England and country bank paper, without a single guinea of good coin. Here, therefore, appeared something like a conspiracy between the Bank and the government to alter the circulation, and to cheat the industrious classes.

When he thus expressed his opinion of the mischief occasioned by the alteration of the standard, he was not bound to say that he agreed in any specific plan by which that mischief might be counteracted. He was inclined to wait the result of inquiry; and he would say that no man had done a greater service to his country than his hon. friend in proposing the present inquiry, and making the question the subject of fair discussion. Notwithstanding the opinion of the hon. member for Portarlington, he, for one, would say, that he apprehended no evil from the fullest discussion. The most learned and most able of those gentlemen who had devoted themselves to questions of this kind, had not made up their minds on what it was proper to do to meet an evil which they all acknowledged. Was it fit, then, that the House should separate in this state of uncertainty? Was it fit that the country should see them unable to come to an agreement, in a matter so pressing to its welfare or relief? The public mind was restless and uneasy. Was it proper that no resolution should be taken before the prorogation, to allay its anxiety, or guide its judgment? All the causes hitherto brought forward to account for the public distress had been found inadequate or fallacious. First we were told, about eight years ago, by the noble lord opposite, that our calamities were occasioned by a transition from war to peace. The honest country gentlemen believed for the time in this declaration; nor did he blame them for the confidence which they generally reposed in ministers, to whom they justly ascribed superior means of knowledge on most subjects. It was natural, therefore, that they should give their confidence to the minister of the day, and it was, perhaps, fortunate that they were little disposed to interfere captiously on questions which they had not studied deeply. But when he spoke thus, he did not mean to deny that there might be a corrupt acquiescence, as well as a laudable confidence, and that for "gifts which blind the eyes of the wise," some might surrender their judgment to the minister. To such he now made no allusion. He spoke of voluntary and unbought confidence; and, certainly, no minister had ever made more extensive demands on the liberality of his friends than the noble lord. No minister ever took less trouble to give them consistent reasons for following him—no minister ever got their sanction to measures formed with so little consideration. In proof of this, he might allude to his motions and projects during the present session, which had been proposed and abandoned with a degree of levity which scarcely gave his friends a shadow of excuse for trusting his judgment. His first theory for accounting for the public distress was a transition from war to peace. That transition had begun eight years ago, and had not yet reached its consummation. The next cause was, an importation of foreign corn—our agriculture suffered because, though corn was high, we were in part supplied from abroad. A corn bill was introduced for the purpose, therefore, of preventing importation, and great apprehensions were entertained by the people that the bill would raise prices. He, (sir F. B.) was persuaded that the people were wrong in this opinion—he was persuaded that the corn bill would not produce high prices. The bill passed, and corn fell, and was still depressed. The distress which this occasioned was called agricultural distress; but he was convinced that it was a distress extending over all the industrious classes. As the corn law passed, and prices fell, some other theory must be invented to account for the general distress; and redundancy of produce was next brought forward. But then came the report of the agricultural committee which stated that the late crops were only average crops. In one year, for an average of several years, we had imported 1,200,000 quarters of grain, and the price still continued high. For these three last years we had imported no corn at all from abroad, and our own crops at home were only average crops; and yet, with this apparent increase of demand, and stationary state of supply, we are suffering from a redundant produce which could obtain no market. It would appear from these facts, that importation rather had a tendency to raise prices than depress them, as prices had fallen since we had ceased to import. The great trade of every country was its internal trade—the distribution of the commodities of its own or foreign growth for internal consumption. If the manufacturing classes were employed, they became the best customers of the agricultural—they must both flourish or suffer together. When we imported 1,200,000 quarters of foreign corn, or, according to a common calculation,

corn for 1,200,000 people, we had so many actively employed in manufacturing industry, who were the customers of the farmers for additional articles of produce. Some part of such a population must be supported by foreign corn. The industrious classes who consumed it in our years of prosperity, were now on the poor-rates. A great population usefully employed was the glory of a country, but a population not employed at all, or employed unproductively, was a source of calamity. He was persuaded that the country gentlemen were wrong in endeavouring to restrain the free trade in corn, or in wishing this country to become an exporting rather than an importing country. The demand for agricultural produce could only be kept up by a well employed, industrious and prosperous population, with a tendency to exceed the supplies at home, and therefore requiring importation from abroad. By debarring them from the use of foreign corn, we prevented them from having a market for their manufactures. We thus crippled their industry, and threw them for relief upon the parish.

He had thus gone over all the theories of the noble lord to account for the public distress. A transition from war to peace had grown out of date; importation of corn could no longer be pleaded as a cause of our sufferings when we imported none; and the redundancy so confidently relied on as sufficient to account for all our calamities turned out to be only average crops. No cause seemed adequate to account for apparent facts, but the state of the currency. It was not a sufficient reason for not entering on the inquiry to be told that ministers had made up their minds. But it was said the inquiry would be difficult—an excellent reason why it should immediately be instituted, and a committee appointed, as the best instrument for carrying it forward. It had likewise been said that there was no remedy, but an issue of paper which would be limited. That he denied. Suppose the currency had been arrested as it stood in 1813, the pound note was then equal to 14 shillings, and to this extent the correction might be made. Nor would he allow the Bank to have that influence over the currency which they had before. He allowed that the directors were honourable and respectable men, and that they conducted their concerns as honestly and disinterestedly as any other company; but he would not intrust such an instrument in their hands as the direction of the currency. He would not permit them to play fast and loose with all the contracts of the nation, by lowering or raising the value of the money in which they were contracted. The government should be made responsible for the exercise of this power. He did not mean to state any specific opinion, or to declare a preference for any particular plan; but something should be done—and something must be done—to save the industrious classes from absolute ruin. If the noble marquis opposite could not make up his mind what was the best course to pursue in a matter so difficult, he ought to confess his inability, and relinquish a situation which he could not fill to the public advantage. He was given to understand, that the manufacturers were not now making profits to the amount of the interest of their capital; and he gave the statement the more credit, because he could not see how it was possible that manufactures should be flourishing, and agriculture in a state of such extreme distress. Ministers had involved the country in its present difficulties, and they were bound to find a remedy for the evil. It was not to be permitted that the people should die under it, because the king's ministers did not choose to incur the responsibility of a remedy. It was impossible for any rational man to contend, that it was fit that the House should be dismissed, and the members sent back to their constituents, until every method had been tried of averting the present calamities. He applauded the industry and the ability displayed on this subject by his hon. friend, the member for Essex, whose arguments and facts were equally conclusive, although an attempt had been made to cast a ridicule upon them by exaggerated misstatements. He referred particularly to what had fallen last night from a right hon. gentleman (Mr. Huskisson), who had represented that his hon. friend wished corn to be the currency of the kingdom. Such an assertion was uncandid, and reflected upon anybody rather than upon his hon. friend. After contending that the productiveness of the estates belonging to colleges, on which corn rents had been reserved, supported the argument of the hon. member for Essex, the hon. baronet expressed, in conclusion, his entire approbation of the original motion.

Mr. *Huskisson* appealed to all who had heard him, whether he had represented the hon. member for Essex, as saying, that corn was to be the currency; but, he maintained that he advocated corn being the standard. He would not call that uncandid of the hon. baronet; but he would say that he had been misrepresented. The hon. baronet represented him as comparing the currency of 1797 with that in the time of king William. He had not done so. He had compared the pressure which now prevailed from the restoration of a metallic currency, with that during king William's reign, and had argued, that similar effects had arisen from similar causes.

Mr. *Attwood* addressed the House to the following effect:

I rise, Sir, for the purpose of explaining to the House the reasons for which I concur in the motion before it; and to call the attention of the House to the grounds on which, as it appears to me, that motion rests, which, if an opinion were to be formed from many of those arguments by which it has been opposed, might be taken to refer to questions and interests of unimportant detail; and not to be, as I understand it, a measure which, whether in respect to the magnitude of the interests it proposes to affect; the principles which it involves; or above all, the necessity under which it is proposed: is of as great importance as any motion that has been at any time under the consideration of the House. And this main ground of necessity in particular, has been so much lost sight of, upon this occasion; it has been so entirely overlooked, or purposely avoided by the right hon. gentleman opposite (Mr. Huskisson), who has proposed an amendment to the present motion — his arguments and reasoning have gone so far wide of the important character of the present motion—of the nature and character, and effects, of those measures which have preceded, and have rendered this motion necessary,—that it might almost have been doubted, whether he had been himself an actor in those transactions, the important character of which he so readily loses sight of; though their consequences have been so extensive and disastrous,—or, that he were now a minister of the Crown in this country—the distressed condition of which appears to occupy so trifling a portion of his consideration.

The important nature of the present motion is, as I consider it, no less than this — these are the grounds on which it rests—That all the calamities of the country, in all their extent, have had their origin in measures of the legislature itself—that those measures have been as monstrous in their injustice, as extensive in their ruin—that they are at this moment in the midst of their operation—that the sufferings of the people, as they are of a fictitious origin; as they have had their origin in measures of the government —so they are within the power of the government to relieve and to remove. This is the nature of the present motion; and this is the responsibility under which the House acts in the conduct which it is called upon to adopt.

And I cannot here but express the astonishment with which I have witnessed that tone of misplaced and presumptuous confidence, with which appeals have been made on this occasion to public faith and the national character—by those in whose measures every principle of public faith, has been twice violated — and who now stand before the House and the country, covered with whatever opprobrium belongs to alterations in the value of the public money, in the value of the monied standard; violent, extensive, and secret. And, is it for them to throw out imputations against the object of the present motion, and to impugn the motives of my hon. friend who brings it forward— as though he was to be charged with a desire to sacrifice public faith, when it is his object to support public faith, and to restore it; when it is his object to arrest the progress of measures in which all faith and justice are outraged,—to oppose himself between those measures and their victims,—to protect what is still remaining of the ruined fortunes of millions unjustly sacrificed,—to restore confidence, and security, and equity to broken contracts: to do that which is the first duty of all government; to provide that contracts shall be executed in the meaning and intention in which they were made.

The main ground, therefore, as I understand it, of the present motion is, that the difficulties which oppress the country have had their origin in measures of the legislature itself. And first, let the House consider what that extraordinary condition of difficulty and embarrassment is, which now exists in this country; and whether it does not take place, under circumstances,

in which it is, at least, equally extraordinary, that any difficulties should exist at all. For the country is in the midst of what may now be called a long and profound peace. Our population has never been more numerous, nor more distinguished by skill and industry; nor more unrivalled in all these great qualities, on which the wealth of nations, and their greatness, mainly depend. Our capital has been never more abundant, nor more adequate to the successful employment of our population. Our land has never been so richly cultivated, nor its cultivation so widely extended; and that is the most satisfactory evidence of national wealth and resources; and the most advantageous form in which they can be embodied; unless we are to change our opinions with our situation; and to abandon the maxims in conjunction with which this country has so long flourished; for that mixture of inauspicious policy, and ill-omened philosophy, which distinguishes the proceedings, and accompanies the calamities of the present day. We apprehend no war: no ports are closed to our merchants. We have experienced no scarcity; and it is in the midst of all these concurring circumstances, indications of a great and general prosperity; that the country labours under difficulties, which are altogether without example in the experience of any former time. Our capital, in whatever form it is employed, whether in agriculture, in manufactures, or commerce, is either unproductive or ruinous. All the efforts of our industry are fruitless or destructive; and the whole of that vast body, employed in the cultivation of the soil, are involved in one common and undistinguishing ruin; from which no effort of industry, or resource of prudence, affords any protection.

And, does not this condition of things, strongly demand of the House, to distrust at least, the character of its own internal measures?—Does it not afford strong evidence of great and extreme misgovernment; strong reason to believe that the objects, and the measures of the government have been adverse to the industry, and destructive to the interests of the people? And is this condition of things it is, that the right hon. gentleman opposite proposes that most preposterous resolution, by which he calls on the House to pledge itself, to a blind and imbecile perseverance, in measures, the character of which they have never yet understood; but of which the consequences are so strikingly before them.

The immediate and obvious cause, of the difficulties now experienced, is undoubtedly the low monied price, at which our productions and commodities, exchange one against the other. That is the immediate cause, however it has been itself occasioned, of all the difficulties now experienced in this country, whatever form they assume. But, whence is it that this circumstance, that the existence of low monied prices, should be capable of occasioning difficulty, poverty, and national distress? Money is not wealth. The wealth of a nation consists in the abundance of its productions. Money is the means by which wealth is estimated, but is not wealth itself. It is a mere means of account. And it is of little importance to the wealth of a nation, whether its property and commodities are estimated and exchanged, at a high or a low monied price. That is undoubtedly true; and it is not the mere existence of low prices alone, which has occasioned national distress. It is that these low prices, which now exist, have succeeded a very high rate of monied prices, that recently existed. That it was in those high monied prices, in which our present existing pecuniary engagements, of all descriptions, were formed; and that it is in the present low prices, that they are to be discharged: that the same amount of money possesses a different signification, from that which it possessed when these contracts were made: that our money has kept accounts falsely: that it has given a false estimate: that it has, in this way, given the property of one man to his neighbour, throughout the whole extent of the country.—The property of the debtor to his creditor: of the tenant to the landlord. And it makes reprisals on the landlord, for it gives his property to public and private annuitants, and to all that has incumbrances on his estate. That it has given generally, the property of the productive, to the unproductive classes of society; and of the country to the annuitants and servants of the state; and will leave, if the present low rate of monied prices be rendered permanent, productive industry so greatly burthened, as to render it doubtful, whether it will be able to support itself under such burthens.

These, Sir, are the effects of the fall of

monied prices, however that fall has been itself occasioned; and in these the difficulties of the country consist. And it is equally certain, that we have been occupied in effecting alterations in our monied system; that we have recently adopted a standard of value, which we call the antient standard of value, as distinguished from that modern standard, or measure of value, which it has succeeded. And in the high prices it was which accompanied that modern standard, in which our engagements were formed; and it is in those low prices, which have now returned with the old standard in which they are to be paid: and it is precisely, because the ancient standard of value, has given an ancient measure of value, it is that in which consists precisely those low monied prices, of which we complain. The consequences indeed of this fall in prices have been so extensive and disastrous, that we are unwilling to believe, that they have arisen from our own measures. That question has been avoided. It has never been encountered fairly in the House. We have rather preferred to have recourse to theories,—the most inconsistent and absurd, if they sufficed to keep for the moment this view of the question from our sight. We have looked at the effects before us. We have said they were the causes of distress. When the reduction in the amount of money, rendered necessary by the substitution of the old standard, affecting the resources of the merchants and manufacturers, was first felt in a lessened demand for labour, and exhibited to us immense bodies of manufacturers, destitute of employment; we saw in that circumstance, the cause of national distress. A redundant population was, as we then imagined, that cause. "The two great evils for which it is desirable to provide a remedy"—these appear to be the words of the hon. member for Portarlington himself. "The two great evils for which it is desirable to provide a remedy, are a tendency to a redundant population, and inadequacy of wages." This was the hon. member's opinion in 1819; of him who now tells us of a third evil, and that it consists in a redundancy of food. And the House has acted on such theories as these; and sums of money have been voted out of the taxes to export the people by whose means or consumption the taxes were paid. These unhappy and redundant multitudes; the best strength of the country, if the wisdom of the government were equal to the resources of the people; we purposed to carry to distant shores, where they might find, what we then dreamed, did no longer exist here—a little surplus land which they might cultivate, and from which they might force a scanty bread. But the distress of the labouring classes operating through a lessened consumption of agricultural produce, and aided by the poverty of the farmer and corn dealer, had scarcely produced an excessive supply in the markets, but we adjusted our theory to that state of things also. As we had too many people at one time, we had too much land at another. And our remedies corresponded. They were first to export the population, and next to abandon the soil; and to absurdities like these we have been driven: unworthy of the character of parliament, derogatory to its character, rather than believe that an ancient standard of value would give an ancient measure of value. That that money which we have determined by law, shall exchange against gold at the ancient and the low price of the last two centuries, will only exchange against corn at that same ancient and low price also—that money is capable of none but a general, and not of any partial application; that it cannot be made to exchange against one commodity at a low price—against gold at a low price, to gratify our prejudices: and against corn at a high price, to relieve our necessities. The nature of money is, that it regards neither prejudice nor necessity: and that intractable quality it is from whence it became so essential, when we returned to a metal standard of value, to determine with caution at what rate, and of what value, that metal standard should be fixed. By fixing the rate of 3*l.* 17*s.* 10½*d.* for gold we fixed the price of from 40*s.* to 50*s.* a quarter for wheat. If our metal standard had been fixed at 5*l.* or 6*l.* that would have given from 60*s.* to 80*s.* for wheat; it would have given an equally high price generally; and by adopting some measure of that kind, the House would have reconciled the re-establishment of a metallic standard, with existing contracts and interests, and have rendered that re-establishment, a measure at once of advantage and justice, to all the great classes of the community.

This is, then, one of the main grounds on which this question respecting the cause

of our present low monied prices rests. I maintain that no higher prices of agricultural produce than the present can upon an average exist in conjunction with that metallic standard of 3*l.* 17*s.* 10½*d.* which we have by law established. And if this cannot be answered—and it has never been attempted to be answered—this view of this subject has been hitherto uniformly avoided; it is then of little importance for the right hon. secretary opposite to tell us of defects in the paper standard: and of great fluctuations in particular years in the prices of corn; and that these fluctuations did not correspond with the prices of gold, nor with the amount of Bank notes in circulation in those years. And those years to which he thus referred, the years in which neither one standard nor the other could be said to exist: but when the government was occupied in private and abortive attempts; at one time to return to the old standard, and at another when they abandoned that attempt in consternation and dismay; and then in renewing it a second time—doubtless it was necessary to put a stop to that system of measures, and to fluctuations so arising. I agree with the right hon. Secretary in that. In my estimation, his majesty's government have incurred a responsibility most grave and weighty, by their proceedings at that period. But by what means was it necessary to put a stop to those fluctuations? By adopting a permanent standard that should fix the price of wheat permanently at 45*s.*? If that were the meaning and view of the right hon. Secretary when he proposed the act of 1819, then I would suggest to him that if he had explained that object to the House; if he had told the House that the effect of that measure was, to establish a monied system which would prevent any higher price than 47*s.* being given on an average in this country for wheat: he would then have disclosed a view of that measure to parliament, very different in its importance from those topics with which its attention was then occupied: that bill would not then have been adopted without grave and deliberate consideration; without at least being accompanied with measures of extensive provision and arrangement, with great and extensive reductions; it would scarcely then have been accompanied with three millions of additional taxes—nor would there have been wanting, from amongst the warm supporters of that measure, those by whom it would have been described as I shall now and ever designate it; as a measure effecting more extensive wrong, fraud, iniquity, than any measure that has ever been before imposed by its government on any people. And I would beg now to call, shortly, the attention of the House to a consideration of what the prices of grain have in reality been, which have at all times existed in this country, when estimated by that standard of value now again established;—and I wish to refer to these prices more particularly; because a statement which I had the honour of submitting to the House on a former occasion, has been greatly misunderstood. The document I referred to on that occasion, was the report of the corn committee of 1813, in which report is given the price of wheat, for a century prior to the late war. The committee has in that table divided those prices into the prices of successive average periods of a short number of years, which on account of the great temporary fluctuations in corn is the best method by which a useful view of its comparative prices can be obtained. The result which that table shews, is, that the highest price of wheat which for any average period of 5 years had taken place for a century prior to the late war, was 49*s.* 9*d.* for a quarter of wheat: and that price is marked in the former part of this period. The commencement of that period was marked by a price as high as its close; and by a price which had existed and continued for half a century before that time. The present price of wheat is the same as that which, from the commencement of the present standard, and so long as it existed amongst us, was with no great average variation, and with no advance, the price of corn. The price of corn when we abandoned the old metal standard in 1799, was no higher than the price which commenced with the same standard, a century and a half before that time. The precious metals did never exist in this country, nor in fact in any age or in any country, in so great abundance, as to be given in exchange in greater amount than our prices now give against corn. And if that cannot be denied, and the fact is indisputable, what reason have we to expect, that a relative proportionate value between corn and the precious metals, which never did exist in any time or country, nor under any circumstances, shall be found to establish

itself now for the purpose of relieving our necessities, of correcting the errors of a rash and a blind legislation, and to enable us to reconcile with the act of 1819, 60 millions of annual taxes, and 12 millions of salaries and pensions: the attempt to reconcile which, if his majesty's government purpose to undertake it, they understand as little of the nature and difficulties of that attempt, of its destructive effects on the national industry, if it should succeed, as this House understood, of the nature and character of the act of 1819, when they adopted that measure. But it may be thought by some gentlemen, that it is in the power of the taxes which we imposed during the paper money, to support agricultural prices now, when that description of money is abandoned. Let us see to what conclusion that would lead us? If taxation possess a power to enhance monied prices in one country, it possesses a similar power, doubtless, in all countries. And then let it be imagined, that throughout Europe, each nation should follow the example, one of the other, till one general circle of increased taxation were complete. Would an higher scale of monied prices be, by that means, established throughout Europe? A low value of money be established by an operation which neither increased the quantity of money, nor lessened its use? Nothing of that kind can exist. It is in opposition to the plainest principles. The effect throughout the continent at large would be, that as those commodities on which taxation was directly imposed, were enhanced in price, other commodities must sink in price; for without an increased quantity of money, no higher average could exist. That would be the effect throughout the continent at large. And whether in this country, the effect of those taxes which we accumulated during the existence of a description of money depending for its quantity on our own regulations, will not be, now we depend again on a species of money subject to the continental drain; whether the effect of those taxes on prices, will not now be to sink the price of all untaxed commodities, to a degree still lower than their price before these taxes were imposed; lower than their price previous to the late war; that is a problem in political economy which the experience of this country has yet to resolve; and there are few questions at this moment of more extensive importance to its interests. Neither is it in the power of any corn laws materially to enhance the price of corn the principal necessary of human subsistence, on the price of which the price of labour, and of all the productions of labour, mainly depend. When did corn laws produce any such effect? What has been the effect, in supporting prices, of the late and the present corn laws? This is, then, Sir, an important question connected with this subject. Is the standard, established by the act of 1819, capable of sustaining higher prices than those which have accompanied its reestablishment, and of which we so greatly complain? This has never been attempted to be shewn. The right hon. Secretary turns from that view of the question. He inveighs against the paper standard. That he says was a fictitious standard, accompanied with much speculation, great fluctuations in prices, with great failures amongst the country bankers. I fully concur with the right hon. Secretary in all this. These assertions are in opposition to no opinion of mine as he appeared to imagine. These qualities are, indeed, for the main part common to every standard, of whatever kind or species of money. The price of corn will fluctuate measured by whatever standard, and I beg to shew him what the degree of that fluctuation has been. From 70*s*. at the lowest to 120*s*. at the highest; that may be taken to have been the fluctuation in wheat during the existence of the paper standard of the war. And the fluctuations in wheat during the existence of the metal standard, may be taken to have been from 35*s*. at the lowest to 58*s*. at the highest. The average prices of the paper standard have been from 80*s*. to 100*s*., and of the old metal standard from 40*s*. to 50*s*. But the main question which I submit to the right hon. Secretary, is not what was the character of the paper money, but what is the character of that particular metal money, which we have established in its place. And with respect to the paper standard, its most material feature, he loses sight of; the material question respecting that is, was it not a depreciated money? Whether it was not money of a lower value than that which his bill substitutes for it? And whether an increase in the value of the public money, by whatever means effected whether effected during the existence of a paper standard, or during the existence of a metal standard, or at the moment when we shift from one to the other—be not a disguised method by which we in-

crease all debts—a disguised method by which we increase all taxes—by which we in a disguised manner increase all pensions and salaries—whether it be not an operation affecting more extensively than any other, all the complicated interests of society, and whether it be not one of importance enough, to occasion all the difficulties and derangement the country now suffers?

But if this be the character of that monied standard, at present established, I would now call the attention of the House to a consideration of what that operation has been, by which this standard has been introduced. And I am perfectly persuaded that as the present system and description of money can support no higher rate of prices than the present, so the House will see that the measures by which it has been introduced are such as must of necessity have occasioned a fall of prices, fully as extensive as that which has taken place: and which does, in fact, merely mark the difference between the value of one standard and another; between the value of the paper money lately, and of that metal money now established. We have been told, and on very inadequate authority, that a fall in prices has taken place on the continent at large, as great as that which has been experienced here. Into that question I shall not now enter. Whatever the fall in prices in Europe has been, our own internal operations have been perfectly adequate to account for our own reduction, in all its extent. They have been such as could not have taken place without occasioning a fall in prices here, as great as that which we have witnessed. I shall not, therefore, enter into the question of continental prices, except to observe, that these operations have been of a nature calculated to derange, in some degree, the prices of Europe generally; and perhaps to a considerable degree the prices of those continental markets, more particularly or exclusively connected with this country. But, before proceeding to a detailed view of those internal measures by which the fall in prices here has been occasioned, I request the attention of the House to a statement of what that fall in prices has, in reality, been, and to what extent and degree it has operated. It has been much the custom to consider this reduction of prices as principally confined to the productions of agriculture; and on this erroneous opinion as to the fact, most of those abstruse theories and explanations, which the House has from time to time heard on this important subject, entirely rest. And in order the better to exhibit what the general reduction in prices has been, and to explain in a more distinct form the causes of that fall, I shall refer to that fall in prices which has taken place since the commencement of the year 1818. The year 1818 is a period midway between the war and the present time. If there are still individuals who believe that the high prices which accompanied the war were occasioned by its operations—though that is an opinion opposed to all experience, for prices did never rise in any former war, but, on the contrary, uniformly fell, and it is in the nature of all foreign war to lower prices —but if that opinion shall still be entertained, it will yet scarcely be believed, that a high scale of prices, occasioned by the operations of war, could be able to sustain itself, like the motion of a machine by its own velocity, for three or four years after those operations had ceased, and that prices could then commence gradually to fall, and continue declining for three or four years longer, and down to the present time. In the year 1818, the average price of wheat appears to have been 84*s.* a quarter; and if the present price be taken at 47*s.*, that is, a reduction on wheat of 37*s.*, which is equal to a fall of 45*l.* in every 100*l.*, or 45 per cent. The price of iron, in the year 1818, appears to have been 13*l.*; that price has now fallen to 8*l.*, and that is equal to a reduction of about 40 per cent upon iron. The price of cotton, in 1818, was 1*s.*, and it has now sunk to 6*d.*, and that is a fall of 50 per cent in cotton. Wool, in the year 1818, sold for 2*s.* 1*d.*, which now sells for 1*s.* 1*d.*, and there is, therefore, in wool a fall of nearly 50 per cent. The fall, therefore, that has taken place since 1818, in iron, in cotton, and in wool, is as great as the fall in wheat. It is 45 per cent on an average of the three; and that is precisely the fall in grain. These are our three great staple articles; and this fact of the fall in price they have sustained, I recommend to the consideration of those gentlemen who tell us of an excessive production of corn—of an excessive cultivation of land. If corn has been produced in excess—if the proof of that is to be found in its fall of price—doubtless there has been an equal excess likewise in the production of these three

great staple articles. But I will refer to a paper containing further information upon this subject; and which, I am satisfied, will be received as exhibiting a correct estimate of the general fall in prices which has taken place on the whole of our productions and commodities. The paper to which I refer for this purpose will be found in the agricultural report of the last session. It was delivered to the committee by Mr. Tooke, and contains a list of the principal articles of commerce and manufacture, 30 in number, selected by that gentleman for the purpose of information respecting prices; and the prices of each commodity are given for several successive years, in the month of May in each year. I have caused the prices of these articles to be added to this table, for the month of May in the present year also. The result which this table exhibits is, that since May, 1818, a great and general fall in these articles has taken place; which fall cannot, on the whole, be taken to be less than the fall in the price of agricultural produce which has accompanied it. Of these 30 articles, there are two only that have experienced no fall. These are indigo, of two kinds, and their price has been supported, as I understand, by circumstances of an extremely peculiar nature. The fall which has taken place between May, 1818, and May, 1822, in the prices of the articles contained in this table, indigo excepted, is, if we take the lowest price marked in the table in each period, and take away the direct tax, which exists on some of these articles, exactly 40 per cent. And if we add to this 40 per cent, 5 per cent more, for the difference between prices, as marked in tables, and those for which commodities can really be sold in the market, when the market is depressed and falling, that will give us an average fall of 45 per cent, which is precisely similar to the fall in grain.

There is no truth, therefore, in the opinion, that any fall in prices peculiar to agricultural produce has taken place. The fall in prices has been universal and not particular. The leases of the tenants, the mortgages of the landowner, taxation pressing heavily on agricultural labour, but which the machinery of the manufacturer lightens; all these will render the difficulties of the agricultural community more permanent, perhaps, than those of the mercantile and manufacturing community; but they have not been more severe. Let the House consider what difficulties, as this table shows, our mercantile and manufacturing industry has been exposed to? In the midst of this fall in prices, what operation of business could proceed without loss or ruin? There has been no form in which the capital of the merchant; none in which the capital of the manufacturer could be invested, without the half of it being sacrificed during this calamitous period. We have been thrown back upon a condition of society, in which all industry and enterprise have been rendered pernicious or ruinous; and where no property has been safe, unless hoarded in the shape of money, or lent to others on a double security. The hon. member for Portarlington, in referring to this table on another occasion, I think told us, that Mr. Tooke was able to point out several circumstances which had tended to lower the price of many of these articles. I do not in the least doubt it. The price in the market of every particular commodity is fixed by the influence of a great variety of contending circumstances; some tending to advance, and some to depress that price. I doubt not but Mr. Tooke could point out numerous circumstances, that have affected the prices of every one of these commodities; and have contributed both to depress and to support them. But the question is not as to what has affected the price of any particular commodity. The question is, whether this list is to be received for that purpose for which it was given; as containing an indifferent and impartial selection from the general mass of our productions and commodities; and exhibiting in its result a fair estimate of the fall in price on that general mass? That, I see, the hon. member for Portarlington admits. This table shows what the general fall in price has been. Let us see, then, to what conclusion this brings us. Either the quantity of all commodities has been increased, or the quantity of money has been diminished. One of these we must of necessity admit; for the proportion is altered. There is either an increase in the general quantity of commodities, or a reduction in the quantity of money. And, are we to believe that the quantity of commodities has increased: that a great augmentation has suddenly taken place in all the produce of all labour: that all industry has become suddenly more skilful and efficient; and

the produce of all soil more abundant? If we could believe, that, indeed, then we might look on our present difficulties, as necessarily attending the introduction of a better order of things; as the sure precursors of an age more prosperous than this country has yet experienced. But it is impossible to entertain such a belief. It is impossible to believe that any great and sudden augmentation of commodities has taken place. It is the quantity of money that must of necessity have been reduced: and I now beg, therefore, the attention of the House to a consideration of what that reduction has in reality been; how it has been effected; and how it corresponds with the fall in monied prices which it has occasioned.

The monied circulation of this country, has rested on that of the Bank of England. The amount of the notes of the Bank in circulation, at the period immediately preceding this fall of prices, appears to have been from about 29 to 30 millions. That is the average amount in circulation, for the last half year of 1817. If we take a view of the amount of Bank notes in circulation from this time downwards; and observe the amount in the middle of each quarter; which affords, as appears by the evidence of Mr. Harman, the best comparative view—a gradual and systematic reduction will appear at this period to have commenced.

The amount in circulation..	Aug. 16, 1817,	is	30,100,000.
It was reduced by	Nov. 15, 1817,	to	29,400,000.
And continued as follows:	Feb.	1818,	28,700,000.
	May,	——	[illegible]
	Aug.	——	[illegible]
	Nov.	——	26,000,000.
	Feb.	1819.	[illegible]
	May,	——	[illegible]
	Aug.	——	[illegible]
	Nov.	——	[illegible]
	Feb.	1820.	[illegible]
	May.	——	[illegible]
	Aug.	——	[illegible]
	Nov.	——	[illegible]

And at this period the joint [illegible] 1*l.* notes and sovereigns, [illegible] further comparative estimate [illegible] taken, uncertain and obscure; [illegible] refer, therefore, to the mode of [illegible] adopted by the hon. member for [illegible] Arlington, for the purpose of bringing a comparative view of the circulation of Bank notes down to the present time; which method is, to exclude from the account all 1*l.* notes, and all notes but those of 5*l.* and upwards, and payable on demand: and this method of computation does, as I perfectly agree with him in thinking, give a fair comparative view of the circulation down to the present period.

The amount of Bank-notes in circulation in this way taken, appears,

Notes of £ 5 and upwards,	
Nov. 1817	£.19,600,000.
Nov. 1818	16,900,000.
Nov. 1819	*
Nov. 1820	15,300,000.
Nov. 1821	14,800,000.
May 1822	14,600,000

and the amount appears to have been now reduced to somewhat below this last sum. Nothing can be more regular, gradual, and uniform than this reduction in the quantity of money, thus exhibited and commencing at a period immediately preceding the commencement of the fall in monied prices. It was altogether a forced and a systematic contraction. It did not take place in consequence of the fall of prices. It preceded it. It was not effected by means of a lessened demand for Bank-notes. It took place in the midst of a constantly increasing demand. The requisitions made to the Bank by the mercantile community, were less, at the time of the greatest circulation; were less during the last half year of 1817 than they have been at any subsequent time, and the Bank is now under greater advances to the merchants, with this reduced circulation, than those advances amounted to, when their circulation of notes was 30 millions. This reduction, forced, regular, and systematic, was dictated to the Bank by parliament, which at one period appeared to believe that this country had no other evil to contend with, but too many Bank-notes in circulation; or difficulty to overcome but the imaginary reluctance of the directors to reduce their amount. It was effected, not in consequence of lessened demands for discounts [illegible]; but first and in part [illegible] preparation for the expiration of the restriction bill, taking in, [illegible] of 1817, some part of [illegible] discharging them in gold, [illegible] those notes to the circulation [illegible] mainly, and principally by [illegible] in the advances it had made to government; and by the repayment of those advances, for the particular [illegible]

* [illegible] is not before the House.

and express object of reducing the amount of notes in circulation; that object which we see thus accomplished. We see then a regular, gradual, systematic reduction of the notes of the Bank, our legal money, on which the whole of our circulation depends; and that reduction followed by an equally regular fall of prices. But the one is in greater proportion than the other. Prices have fallen more than notes have been reduced. The reduction of Bank notes is one-fourth, or one-fifth; and the fall in prices has approached nearly to one-half: and the hon. member for Portarlington denies that prices will fall except in proportion to the reduction of money. But I beg him to consider, that, first we have the fact plainly before us; and that to facts we must reconcile our theories as well as we are able. Twenty-three millions of Bank-notes in circulation, do in reality no more than sustain prices somewhat more than one-half of those prices which were sustained by 30 millions. But let us consider what the office of these notes, the amount of which we have now thus reduced is. These notes of *5l.* and upwards discharge ultimately all our larger pecuniary transactions. They perform the operations, exchange the productions, and support the prices, of agriculture, manufactures, and commerce; and they perform still a further duty; they support the operations of our system of taxation. Fifty-five millions of taxes, transmitted annually to the Exchequer, and all of them transmitted in these notes of *5l.* and upwards, of which the whole amount, is no more than 19 millions at the highest, and 14 millions at the lowest; necessarily absorb, occupy, appropriate, a considerable amount of these notes; and they occupy the same amount, now the circulation is 14 millions, as they occupied when the circulation was 19 millions; for, the taxes have not been reduced. But this amount so occupied forms a larger proportion of the 14 millions, than it formed of the 19 millions. The reduction effected, therefore, is more than a fourth or a fifth part of that portion of the circulation occupied in supporting commercial and agricultural prices: and consequently a reduction of one fourth, or one fifth of the whole amount of notes in circulation; necessarily occasions a fall in these prices, in a much greater proportion. But there is still another and more important operation on prices, arising out of our system of taxes. I have shown that the monied prices of all productions and commodities have fallen nearly one-half; but when it is said that all prices have fallen one-half, it is to be remembered, that there is one great class of commodities, the prices of which have not fallen at all; and which cannot fall, for their price is composed of taxation. These commodities indeed may cease to be produced, they may cease to be consumed, but fall in price they cannot. This class of commodities is very numerous and important; it includes many of the most extensive articles of consumption; it includes tea, malt, sugar, and other articles of as great importance. This extensive class of commodities, requires as large an amount of money, to be occupied in its distribution and circulation at this time, when the quantity of money is reduced, as it occupied before that reduction took place. The reduction falls exclusively on that part of the circulation, which was employed in circulating and distributing and supporting the prices, of untaxed commodities. These two operations therefore, at once explain to us why a reduction in money occasions a more than proportionate reduction in monied prices; that reduction in prices is partial—it falls unequally: on many commodities there is no fall, and thus it has been, that when we withdrew a fourth or a fifth part of the notes of the Bank of England from circulation, we occasioned a fall in prices of near one-half on all untaxed productions and commodities. The committee of 1819 entirely overlooked this obvious operation. Twenty millions of Bank-notes, said they—that was the method of their computation—if we take one million away, that is one twentieth part, this will occasion therefore a fall in the prices of commodities of 5 per cent; but they forgot that the prices of a great portion of these commodities could undergo no fall at all, that this money must be taken away from that part of the circulation which supported the prices of other commodities, and that those other commodities would not fall 5 per cent but 10 per cent. This is the kind of information with which this great question was disposed of. But a further consideration of the important functions which these notes discharge; the amount of which we have thus diminished from 30 to 23 or 24 millions—and diminished in the face of an increasing demand for notes on the part

of the merchant; for that is always to be observed, a further consideration will show us, how important an operation that reduction, so effected, must of necessity have been. These notes form the basis, and limit the amount, of all that vast mass of circulation of paper money and paper credit of whatever kind; by which all the pecuniary transactions of the country are carried on; and all prices supported and fixed. The amount of this mass of paper and of credit; the prices it supports; all these advance or sink, as these notes are in this way increased or reduced. We have accounts before us which show, that a proportionate reduction in the notes of the country bankers, has followed this diminution of Bank of England notes. All country bankers, notes wherever issued, in whatever part, of the kingdom, receive their final discharge in the notes of the Bank of England. All bills of exchange, all commercial credits, or transactions on credit of whatever kind, and wherever they take place; all these are discharged finally in these same notes. These functions are discharged by the notes of 5*l.* and upwards, of which the amount was at one time 19 and which we have now reduced to 14 millions; and these notes transmit in addition 55 millions of taxes, annually to the Exchequer. There exists on the part of that body which issues country bank notes, which circulates bills of exchange, and creates commercial and other credits, on the part of this body there exists a perpetual effort to increase the amount and extent of all such issues and operations. But there is also a perpetual limit, beyond which they cannot go; and that limit is fixed by the amount and value of these notes of the Bank of England; in which they are discharged, and with which they must circulate at par. We required the Bank of England, to maintain its paper in circulation on a par with gold, at 3*l.* 17*s.* 10½*d.* By that step we forced upon the Bank the necessity of lessening by whatever means, the quantity of its notes; this amount lessened, their value increased; our country bankers notes would no longer circulate at par with Bank of England notes, unless their amount were lessened equally; commercial credits could no longer be regularly discharged, unless their amount were reduced also. Let it be imagined that from whatever cause, a sudden augmentation were effected in country bankers paper; in bills of exchange, and in circulating credits of every description; but that the Bank of England were to refuse to increase the amount of that 14 millions of notes they now circulate; and that the House still were to require all paper money to exchange against gold, as now, at the price of 3*l.* 17*s.* 10½*d.* What consequence would ensue?—The paper of the country bankers would be cheap; that of the Bank of England comparatively scarce and dear; they would no longer circulate at par—the country paper would consequently be taken in and exchanged; the bills of exchange, and circulating credits of every kind, could not meet that regular discharge, necessary to their renewed circulation. The 14 millions are not adequate in amount to the regular discharge of that extent of country bankers paper, bills of exchange, and credits, which was discharged by 19 millions. These would be dishonoured; the issuers ruined, and the quantity reduced again to the level which the notes of the Bank of England could readily support; and thus it is that a reduction in these notes necessarily also reduces, and brings necessarily down to its own level, all circulation of paper credit, all paper money of whatever description, and with that all monied prices.—And here, I cannot but desire to ask the right hon. gentleman opposite, the chief commissioner of woods and forests, who has informed the House of the important share he took in the proceedings of the agricultural committee of the last session, whence it was that no account of the reduction of Bank notes in circulation was taken into the view of that committee? The main object of their inquiry was the cause of the low price of corn, and there were laid before them accounts relating to every thing except the subject before them. The committee, with a most perverse industry, collected accounts exhibiting information, very accurate, respecting coffee, respecting tea, candles, the quantity of spirits, British as well as foreign, wine, both French and Cape, the quantities of soap, of snuff, of tobacco, but no account whatever of the amount of Bank notes withdrawn from circulation, is to be found amongst those tables of accounts. And are we surprized that the committee complained of mystification? What information were accounts like those to convey to their minds? It appears to me, that a more complete instance of what is called

mystification is not to be found than these proceedings present, and I should give the right hon. gentleman great credit for his talents on that occasion, if it were not, indeed, on a subject somewhat too serious to have been so disposed of. A single table exhibiting the reduction in the quantity of money, an explanation showing how it had been effected, and the manner in which it necessarily operated on prices, would have conveyed at once full information on the subject on which their inquiries of the committee were occupied.

Let the House, then, consider how this question stands. A great and general distress prevails, which, by my hon. friend, the member for Newton (Mr. Gurney), has been well denominated, a great and extraordinary degree of pecuniary difficulty and embarrassment. And undoubtedly it is that, into which the whole distress of the country is to be resolved, and out of which it has sprung. We have been occupied in effecting alterations in our pecuniary system; and it is precisely since the time in which we have been so occupied, that these pecuniary difficulties have been felt. The alteration we have effected has been this—that for a particular purpose; for the purpose of reducing the price of gold, we have diminished the quantity of money which we found existing in circulation. That is the nature of the alteration we have effected; and the nature of the difficulty experienced is, that it is only a reduced amount of money, that can now be obtained in exchange for property and commodities. And it would be strange if it were otherwise. Most strange, indeed, and extraordinary would it be, if that money which we have ourselves caused to be withdrawn from circulation, and returned upon the issuers, should still be found existing in circulation as before, and be given as before in exchange for property and commodities. The extent of reduction in money which has been effected is towards one half; it is near one half of that part of the circulation, occupied in supporting agricultural and commercial prices. The agricultural and commercial community find, that they are able to obtain for their productions, but little more than one half of the amount of money which they obtained before this alteration took place. Money being reduced in quantity, the quantity of property and commodities remaining the same, monied prices fall. These prices falling, but pecuniary engagements remaining, then commences that state of difficulty and embarrassment which we witness. The difficulty of supporting burthens and discharging engagements when the money is withdrawn by the agency of which they were contracted and imposed. This is the origin of that state of things, which in its result leaves the land-owner without rent, the merchant without profit, the labourer without employment or wages, which revolutionizes property, and deranges and disorganizes all the different relations and interests of society.

And here I shall beg to call the attention of the House to another view of this question, and of that most important operation which is now under its consideration. The right hon. secretary opposite gave, some time since, to the House, a kind of historical detail of the means by which, according to his view of the subject, the re-establishment of the old metal standard had been effected. Our paper standard, or money, had become, as I understood him to say, greatly lowered in its value during the war; but he considered that it had again been raised in value, and that that debasement had been corrected by means of failures amongst the country bankers, occurring very opportunely, it must be allowed, for that object, in the years 1815 and 1816, shortly after the war had closed. The public money having been in this way raised in value, and approaching very nearly to the value of the standard which had existed before any depreciation took place, the right hon. Secretary considered, that the measures of the legislature in 1819, did merely adjust that small remaining difference, and then finally establish by law a standard which had been chiefly by accident corrected, and by accident brought back, to nearly its former value. That is the view which, as I understood the right hon. gentleman, he took of the character of the act of 1819, and of the measures which preceded that act. But in this account the right hon. gentleman entirely left out of view a whole system of measures, the most important of all those connected with this operation, adopted by the government itself, for the express object of influencing and preparing for the re-establishment of the old standard: and leaving those measures entirely out of his consideration, on which that whole operation did in fact turn—he arrived at

the conclusion—somewhat extraordinary indeed—that a depreciation of money arising out of the act of 1797, had been corrected whilst that act continued in full vigour; that a depreciation, occasioned by excessive issues of the notes of the Bank of England, had been restored by a diminution in the issues of the country bankers; that a debasement of money, which had been effected systematically, which had existed and had stood its ground during all the changes of twenty years, was at length corrected by an accident, at that period when a depreciated money was looked on as no longer necessary; at the period when it is maintained, by the colleagues of the right hon. Secretary, that we were bound in equity and policy to re-establish money of the old value—and at that precise period, also, when, as I shall show the right hon. Secretary, measures were in operation, which must, of necessity, have raised the value of money to the level of the old standard, whether any such accident had or had not taken place. These measures arose out of the advances which the government had received from the Bank. The House will recollect that the question of the return to payments in cash by the Bank, in money of the old value, was never discussed in parliament without that other question of the re-payment to the Bank of its advances to government coming under consideration at the same time, as immediately and essentially connected with it. What, then, was the nature of the connexion between the resumption of cash payments by the Bank, and the amount of its advances to government? It was, that the resumption of cash payments in money of the old standard, required that a reduction of the amount of Bank notes, and an increase in their value, should be previously effected; and that, as it was in advances to the government that these notes had been principally issued and circulated, so the repayment of those advances afforded the most convenient, and possibly the only practicable mode, by which they could be withdrawn; and on these transactions it is, connected with this debt, and lost sight of altogether by the right hon. gentleman, on which the alterations experienced since the war in the value of money do almost entirely depend; on which the rise in the value of money in 1815 and 1816, and its subsequent depreciation in the two succeeding years, entirely turn; and *mainly* the second rise in the value of money, commencing with 1818. I beg to refer the right hon. gentleman to the report of that committee of which he was chairman, the committee of 1819. The report states—"It will be seen that a material reduction of the debt to the Bank (that of the government) took place between the month of August, 1815, and the month of February, 1816"—and indeed the tables from whence this statement is drawn show that this reduction commenced in the early part of 1815, and before the month of August. "This debt," the report states, "was again increased between February, 1816, and the August following." And afterwards we find, "the amount of these advances was again reduced between August, 1818, and February, 1819." What, then, was the object of this repayment thus twice made? The report informs us—"To enable the Bank to make the experiment of cash payments." And then we have the respectable evidence of Mr. Harman, that the immediate tendency of these reductions was, to lessen the amount of Bank-notes in circulation. And what has been the nature of this experiment thus spoken of? It was no less than to alter—to lessen the amount and raise the value of that money, which had become the legal current public money of this kingdom; to cause that money, which had fallen so low in value, as to exchange against gold under circumstances peculiarly favourable to a low price of gold, at the rate of 5*l.* 10*s.* for an ounce; that that money should be raised to an old and former value, which it had long lost, and be made to circulate on a par with gold, at the price of 3*l.* 17*s.* 10½*d.*, and that, too, under circumstances occasioning a great additional demand for gold. This is the experiment of which the right hon. secretary loses sight. It has been twice made. It was made in the years 1815 and 1816. It was the cause of all the calamities, never to be forgotten, which then befel the country. The fall of prices then experienced was its necessary consequence. It was abandoned at the commencement of 1816, by the administration, alarmed by the consequences of its own measures. The debt which had been repaid was again advanced. The money which had been withdrawn was again and in haste returned to the circulation. The standard of the war was again

restored. The prices of the war accompanied it. The burthens of the country were seen once more, to be no more than commensurate with its resources. All the difficulties of the people ceased, one universal scene of general prosperity was restored. But that prosperity had scarcely been established, before that fatal experiment was a second time commenced. It has continued to the present time. It is now in process. It is the cause of all the sufferings of the country. None other can be shown to have existed along with it. But that experiment had not far proceeded, before the government adopted a measure, that of the appointment of the committee of 1819, which had this effect and object, at least, and that only; that it committed the political opponents of the administration, to the support of a measure, of the effects of which its authors were at least doubtful. This is the short history of the origin of these measures; the progress, the effects of which are so manifestly before us. The failures of the country bankers in 1815 and 1816; of the banks in Ireland in 1820; the appointment of the committee of 1819, are mere incidents in this drama. We are not to ascribe to them an importance which they do not possess. The right hon. secretary said, that I should tell him of the failure of the country banks in 1815 and 1816, and account by that for the fall in prices, and the rise in the value of money; which produced effects so disastrous at that time. I shall be guilty of no such absurdity. I shall refer him to the year 1810, when nearly as great a proportion of the country bankers failed as in 1815; and when no fall of prices or increase in the value of money accompanied those failures. I shall refer him to 1793, when a greater proportion of the country bankers failed; and which failures were accompanied, with a rise in the price of corn, and not of money. I refer him to the circulation of Scotland in 1815 and 1816, where as great a fall of prices, as great a rise in the value of money, as great a reduction of the circulation, took place, as in any part of the kingdom, and where no failure amongst the issuers of paper money has taken place. And with respect to the fall of prices, and the rise of money in 1815 and 1816, I refer him to this operation before us, carried into effect for the express purpose of lessening the quantity, and raising the value of money, and of necessity producing these effects.

Will it be thought that this is ascribing too great importance to the effect of this last referred to operation? It was in its advances to government that those notes were issued by the Bank, which protected in circulation by the restriction bill, and becoming excessive in quantity, became also depreciated in their value. It was by the repayment of those advances, that those notes were again lessened in quantity, and their value raised. Let us consider what the effect would necessarily be if this last operation were reversed. The amount of money repaid by the government to the Bank, since the commencement of this second experiment of cash payments, and in order to provide for that experiment, has been, as appears by papers before the House, from 12 to 15 millions. What would be the effect, then, of the Bank again undertaking to lend this 12 or 15 millions which has been thus repaid? First the Bank would require a Restriction bill. This advance could not be made and continued without it. A restriction given, the Bank placed in all respects, in the same situation as that which before enabled it to make this advance — the sovereigns which are now in circulation, replaced by notes of 1*l.*; what would be the effect on the value of money, on monied prices, of the Bank again advancing to the government that 12 or 15 millions of money which the government has recently repaid? There can be given but one answer to this question. The effect would be clear and indisputable; no individual whose attention has been turned to these subjects, can doubt it. The effect would be to depreciate money. It would raise prices, the prices of agricultural and of all other produce, and of all property, to as high a rate as any that existed in 1818, or that existed during the war. Our money would be at once placed on the war footing. Its relative value with property would be the same as that which existed during the war; and if this debt were again repaid these consequences would be reversed. It is impossible that any doubt can exist on this head, or that this position can be denied. And with these operations before us, twice repeated and uniform in their result; it is to sink below the character we ought to preserve, and our own duty, it is trifling with the important character of this subject, and with the distress of the country, to turn aside as we have done from the consideration of these operations; to lose sight of them altogether, to have recourse to vague and

abstruse theories, in opposition to facts, to principles, and to experience, and to endeavour to persuade ourselves and the country, that our difficulties arise from causes, over which we can exercise no control and which have thrown upon us no responsibility.

These are the grounds then—plain, manifest, and undeniable, on which this important question rests—concerning the origin of that condition of difficulty and distress, that fall of prices, so disastrous and calamitous in its effects, the cause of which we have involved in so much mystery and obscurity; and have concealed from ourselves, and the country at large.

I maintain first, that that old standard which we have re-established, is incapable of sustaining any higher scale of prices, than that which now exists and which has accompanied its re-establishment. That the law which re-established that old description of money of the value of 3*l.* 17*s.* 10½*d.*, re-established also the old scale of prices, generally; and that with respect to agricultural produce in particular, the evidence is distinctly before us; that no higher average rate of agricultural produce than the present ever has existed, or can be with reason expected to exist, in conjunction with our present monied standard.

I state next, that the amount of money which we have withdrawn from circulation for the purpose of preparing for the introduction of the old standard, that that reduction has been to an extent, which must necessarily have occasioned a fall of prices as great as that which has been experienced. That the fall of prices is general. That it is simply an increase in the value of money occasioned by its lessened quantity.

And lastly, that the repayment of the Bank advances by government has been the measure on which this reduction in the quantity of money, and the consequent increase in its value, has been founded. We found existing high prices—money in great quantity, of low value, of a depreciated, a debased value, as compared with a description of money which had formerly existed. Our public money had been thrown into circulation, and retained there by means of advances made by those who issued it to the government. We caused those advances to be repaid and reduced. We lessened by that means the quantity of circulating money, we raised its value to a level with that of the old standard, and caused a proportionate fall in prices, and finally by the act of 1819 we established permanently by law, that standard and those prices which we had thus introduced. These are the proceedings by which we have reduced prices, regular, systematic, effectual. Their existence, their operation, cannot be disputed or denied. I am perfectly persuaded that no hon. gentleman will venture to deny, with respect even to this last operation, that if the Bank were to advance again that 15 millions repaid it by the government since 1817, and were enabled to do so by the necessary alteration in the act of 1819; it will not, I am persuaded, be denied that that advance would be at once followed (in spite of all the influence of excessive production, to whatever extent it exists), by a scale of prices as high as that which existed in 1818, and which existed during the war.

What is the ultimate operation, then, the equity and policy of these proceedings in their ultimate effects; the origin, progress, and establishment of which, and the fall of prices occasioned by them rest on this evidence—altogether impossible, as I maintain it is, to be refuted, or disproved?

By these proceedings the debt of every debtor, by whatever description of pecuniary contract he is bound, has been increased. These measures are laws, by which we have enacted, that an augmentation should be made to every debt which one man owes to another, and to that which the nation owes to the public creditor. For every 60*l.* that we found owing, we have enacted by law that 100*l.* shall be paid. We have made the claim of the creditor as strong and valid for this false and fraudulent augmentation which we have given him, for this fictitious 40*l.* which he had never lent, which the debtor had never received, as it is for his real and just debt, for the 60*l.* which he had lent, and which the debtor did in reality and justice owe. For this fictitious debt which we have thus created we have rendered the property of the debtor subject to execution, and his person to imprisonment. It is not that we have protected the creditor in his just rights, as the right hon. gentleman opposite would represent—we have defrauded the debtor; and have taken away his property, in this proportion, and in this manner, throughout the whole extent of the kingdom.

These measures are laws by which we

have established that all the public burthens shall be in a like proportion increased. They are additional taxes which we have imposed. Pensions and salaries which we have distributed, amidst the increase of the public distress. We had accumulated a mass of annual taxes, to the amount of 60 millions by a long and gradual course of taxation, directly imposed — we had increased pensions and salaries to 12 annual millions, by a long course of gradual, direct, and progressive augmentation; and then by these measures we proceeded to augment at once every existing tax on whatever it was imposed; every pension and every salary for whatever service; we accomplished this by a disguised and hidden operation, concealed from the view of the people on whom we caused these augmented burthens suddenly to fall: from the view of their representatives, from our own view, our attention occupied with one miserable object, and with one only. The 60 millions of annual taxes we thus made equal to 100 millions, and the 12 millions of salaries and pensions have been made equal to 20 millions. We found 800 millions of accumulated debt and we encreased it at once to 1,400 millions, in their effectual pressure on the industry of the people, in their effectual drain on the property and resources of the country; which property and which resources we thus gave over to the creditors and servants of the state. Our annual taxes are at this moment, and by these means, more than three times the amount of all the rent of all our land; and we pay more in pensions and salaries than all the cultivators of all our soil can ever in future obtain.

These are the effects, the nature, the character of these operations, of magnitude and wrong without a parallel; which have been thus carried into effect.

Do we find it difficult to believe that measures such as these can in reality have had existence; can have been carried into effect and operation in this country, with the interests of which we are ourselves entrusted? Let us direct our attention then to the condition of the country: let us examine its situation, and see if that gives us evidence of mis-government less blind and violent: if it exhibits to us disorder, derangement, difficulty, and ruin, less extensive and universal than measures such as those are calculated to produce? And are we to have regard, in considering a question like this, to the personal views or feelings of individuals or parties who may choose to identify their views with these measures? Are we to hear it said, that one part of the House did not oppose those proceedings, and that by another they were supported; and that now, therefore, they are not to exercise their judgments upon them, nor to express what those judgments are? I repeat it. no measures of more monstrous, and enormous iniquity; more extensive and violent in the ruin and calamities they have occasioned, are to be found in the example of any time or of the worst government. They are dark and obscure in their operation: such measures whenever adopted; such changes however accomplished, have always been so. The people have not seen from whence that blow came, which has been felt throughout their extended interests; alike in the crowded city, the obscure village, the distant colony: by which all industry has been crushed, however occupied. As little have we, by whose hand that blow was given, seen the nature of the measures in which we were engaged. Our hand was placed upon a spring, one of the most powerful of all those that move in the complicated machinery of civilization and society; but we were ignorant of its potency and character. But the character of these measures though slowly, must be at length with certainty seen, and the light in which they are now placed, is that in which they must be viewed by the present as well as by future times; and it is now the duty of every man, whether he supported or opposed these proceedings whether he supported these measures in ignorance, or opposed them from an enlightened conviction, to exercise now his earnest and unbiased judgment upon them. It is now the duty of the House to exercise its earnest judgment upon them; with the condition of the country before us—with the experience of the effects of these measures for our guide, it is now the duty of the House to exercise its earnest judgment upon these proceedings, and whether it shall decide now to reverse at once these disastrous proceedings; to restore at once by that means, as it has the power to do—tranquillity, and ease, and prosperity, to this distracted country and its ruined industry—whether the House will go that length or not, I know not; but this House would abandon essential duties—essential functions, if it were to refuse to proceed

to investigation and inquiry—to determine by that means how best to satisfy the demands of necessity and justice; if this House by whose measures the nation has been plunged into the difficulties and disorders in which it is overwhelmed, should turn aside or shut its eyes to them; should be content to leave their issue to chance and accident—to the unassisted efforts—to the blind despair, perhaps, of the oppressed people. The condition of this country at this moment—the disordered condition of all its property and all its interests, resembles that of a city laid waste by a great conflagration, which the hand of its own governors had ignorantly kindled, and which still rages—the first duty of the government is, to arrest its progress—the next is to do justice to the sufferers and between them—to define the rights of property—to re-establish its effaced boundaries—and to erect afresh the ruined structures of private and of public prosperity on the foundations of equity and justice. That is now the duty of the House, and it would be to sink below every quality of efficient and enlightened legislation; to proclaim ourselves efficient only for evil, but weak and incompetent for every purpose of wise, and enlarged, and beneficent protection and arrangement if we are appalled by the magnitude and complication of that duty and abandon it.

There is, however, undoubtedly another question connected with this subject; of extremely great importance; and that is, the effect of these measures on the interest of that great body, the labouring part of the community. This is a consideration to which I attach its full weight; it is a consideration never, in my opinion, to be lost sight of by parliament; in any of its proceedings capable of influencing those interests. It has been maintained, that the fall of prices so destructive to the interests of many of the great classes of the community, so ruinous and destructive to the capital of him, by whom the labourer is employed, is advantageous to the interest of the labourer himself; and the farmer, the trader, the landowner, in the midst of the ruin that oppresses them, are told to look for consolation in this, that what they lose the labourer gains. That they enjoyed at one time great prosperity, but at the expense of the labourer; that he, in his turn, now profits at their expense; and the right hon. secretary opposite has congratulated the House, on a condition of plenty and tranquillity restored, as he imagines, to the labourers, after it had been long lost—but now again restored by the operation of his bill. But on what foundation in fact does this opinion rest; opposed as it is to all experience, and all authority? This opinion, which would represent the interests of the different orders of productive industry as opposed to each other, is directly in opposition to the fact. Doubtless, there exists at this moment, a partial prosperity amongst the labourers—it is local—it is owing to peculiar circumstances—it is not accompanied any where with a profitable employment of capital—it is at the expense of the capital of the trader, on one hand, and of the farmer on the other—it is the absorption, the confiscation of these capitals, and they are passing rapidly in partial districts, through the hand of the labourer, to the Exchequer in the shape of taxes. But neither can this be permanent, nor is it general; nor are we to take the condition of the labouring classes from this partial view. We are not to leave out of our consideration, as the right hon. secretary has done, the condition of the labourers in Ireland; in the agricultural districts, the information given in the petitions before us, given in the proceedings of all those public meetings with which the face of the country has been covered. We are not to lose sight of all this, and then to assume that the condition of the labourers is prosperous, when it is in extremes; when the precarious plenty which they enjoy in some districts, exists in conjunction with a condition of the severest want, extending greatly and generally throughout the country. But I apprehend that it is perfectly undeniable; that it will not be disputed, that the effect on the wages of labour, and on the condition of the labourer, of an increase, or of a fall in the value of money, is of itself temporary; and is confined to the period when such operation is in progress. That will not, I am satisfied, be denied. And when the right hon. secretary therefore, with the condition of Ireland before us, with that of Norfolk, of Suffolk, and of Sussex; regards the manufacturing districts alone, and congratulates the House on the plenty and the tranquillity restored to the labouring classes by the operation of his bill, I refer him to the condition of these manufacturers themselves, at the period when the measures for restoring the old standard, were in their most active operation on their interests.

The ruin which these measures produced, amongst the merchants and traders, preceded the destruction of the farmers. The bankruptcies which they produced amongst that important body, those bankruptcies which we told them were occasioned by their over-trading, as though it were not the character of traders at all times to trade to the full extent of their power and their means—as though our commercial eminence itself were not founded on that character.—the bankruptcy of a part of the traders; the losses, the reduced means of them all, occasioned by these measures, were felt at once in the condition of the manufacturing labourers, and left them destitute of employment and wages together. The House will well remember when they separated in July, after passing the act of 1819, for what purpose they again met in November, and what was the condition, and the tranquillity of the manufacturing labourers at that time. It was within a few months after that bill had passed in parliament, that 80,000 people assembled in Manchester, for purposes which it is foreign to this subject to discuss, but driven to those purposes, whatever they were, by the utmost extremity of suffering and distress. The condition of bodies of the people like these —the causes of that condition, can never too much occupy the attention of parliament. That state of distress and despair, in which, without any apparent cause for it, they were then plunged, was the sole origin of this great movement on the part of the people. I state that on an authority which on this subject will be admitted on both sides of the House. It is on the authority of the Manchester magistrates, who in a letter to the predecessor of the right hon. secretary, which has been laid before the House; and which is dated a few weeks before the meeting of the people at Manchester took place, give this account of their condition. They say to lord Sidmouth, "Of the deep distresses of the manufacturing classes of this extensive population your lordship is fully apprized." These gentlemen do not speak of plenty and tranquillity produced by the right hon. gentleman's bill. They speak of calamities with no apparent origin, of sufferings, of which the people were occupied in discovering the obscure causes. They say, "The disaffected lose no opportunity of instilling the worst principles into these unhappy sufferers, and when the people are oppressed with hunger," that is their expression, "when the people are oppressed with hunger, we do not wonder at their giving ear to any doctrines which they are told will redress their grievances." These are the terms in which these gentlemen described what they saw around them; and no terms, nor any language, have ever been employed to describe, nor are capable of describing, a lower condition of destitution and calamity, as applied to any considerable portion of a great and a civilized community. From sufferings and wants such as these, it is one of the conditions of civilization itself, to be exempt. And was this state of things confined at this time to Manchester?—The right hon. secretary tells me his bill, had at this time, but shortly passed. But the measures of which that bill formed a part commenced before that time. This was the period when those measures—this second experiment for the resumption of cash payments—were in the midst of their operation on the manufacturing community; as they had before this time exerted an influence, equally destructive on the mercantile interest. These are those manufacturers, and this has been their condition whose interests the right hon. secretary tells us, the returning to an old standard of value was calculated to promote. But was this condition of the manufacturers confined to Lancashire? It extended to Yorkshire, to Durham, to Scotland, to the hardware and the iron districts. There was no local or partial exception, as there was in operation no local or peculiar cause. Wherever there was a mill, or a loom, or an anvil to be found—wherever the people were assembled in manufacturing communities, they were overwhelmed in one common calamity; of which the causes were as much hidden from them as is now the cause of the ruin of agriculture from the farmers; they were overwhelmed in one common calamity, and united in one common determination to relieve themselves by measures hostile to the existence of the government, and dangerous to the safety of the state. It becomes a government to look well to its own measures, when this is the condition of the people. It is not an ordinary responsibility that weighs upon a government where a state of things exists like this. Here was no foreign war—no scarcity of provisions—no ports were shut to the industry of these manufacturers—neither of America, nor

of Europe. We shall not now hear, at least of a redundant population. This is not a state of things to be justified by the plea that it was rendered necessary by the re-establishment of an old standard of value. That the government was occupied on one miserable object, the getting back to an old standard which it had long abandoned, and that in pursuit of that object, the rights of property, and the lives of the people were as nothing. The right hon. gentleman who has proposed his amendment; on this occasion to my hon. friend's motion asks, would you alter the gold standard? The standard of king William, which he refused to alter? We mistake our own functions; the people are to be made the victims of no standard —nor are we invested with the right of sacrificing them to such objects. The standard of value; the functions of all government exist for the good of the people, and not for their destruction.—Our measures with respect to the standard of value, not less than in all other respects, are to be adopted, with a full consideration of all existing circumstances; with a regard to all the rights and interests which they affect; and are not to be guided by a blind adherence to any former precedent. In the period referred to, there existed no standard which had been previously debased by the act of the legislature itself. No standard was then either lowered or raised. We have done both, and imagine we are following the example then given us. But to return to the effect of our proceedings on the labourers: the disorders amongst the manufacturers were, no doubt, repressed, they were repressed by military force; but this condition of the manufacturers continued. This was their condition in 1820. It was their condition in the last session. The petitions, the representations made to us avouch it. The evidence of Mr. Hodgson before the agricultural committee of the last session, and the statements he adduced, distinctly proved that the produce of agriculture was consumed in diminished quantities in all the great manufacturing towns. We are told they now enjoy a greater prosperity, and doubtless a profitless activity prevails in the manufacturing districts. It is without profit, without advantage to the traders; it depends entirely for its continuance on low prices, on those low prices which are destructive to the farmer. And what is the effect of this on the agricultural labourer? If the manufacturer has obtained some respite, is not the condition of the agricultural labourer becoming every day more calamitous than before. And is this condition to be lost sight of? Let the House refer to the evidence on that subject given before the late agricultural committee. It is most distinct, and particular, and important. Here is the evidence of Mr. Hanning describing the condition of the labourers in the rich and fertile county of Somerset, and his evidence corresponds with the whole of the information on this most important subject given to the committee. He says, "The small tradesmen and farmers are reduced to a scale of living, little better than the labourers used to enjoy; and the labourers are now reduced to the necessity of living in a great degree on potatoes." And then he is asked, "Has there been a change in their living within the last 2 years?" And his answer is, "Unquestionably;" and then he answers further:—"I see the labourers, being constantly moving about my own farms, I see them now almost wholly supplied with potatoes, breakfast, and dinner, brought to them in the fields, and nothing but potatoes;" and he is asked, "Were they in the habit, in better times, of consuming a certain quantity of animal food," and he says "some certain portion: for instance, bacon and cheese, which they do not eat now." This is the improved condition of the labourers in one of the most fertile districts of England: here their situation has been reduced; but in those counties less favourably situated, their misery is extreme; and let us see what evidence that committee received of the condition of Ireland. There is the evidence of Mr. Nolan, who states, that the distress of the population of Ireland was so great, that they had exported every thing they possessed. This is the source of those abundant supplies of grain, which we witnessed in our markets; and received as evidence of the extraordinary fertility of Ireland; it was the last tribute of poverty, despair and distress. Mr. Nolan is asked whether a considerable portion of the land must be thrown out of cultivation in Ireland if the present prices continued. And he answers, "Undoubtedly, that would be the first effect. The despondency prevailing," he says, "prevailing in Ireland at this moment is such, that I cannot say what will be the consequence. *There is a general feeling of despair pervading the tenantry of Ireland.*" This

was the information given us in the last session of parliament and we well know what events have since followed. "The calamities which the labouring classes have suffered in Ireland, and not there alone, but generally in every part of the empire, since the progress of these unhappy measures, have been such as have existed at no former time in this or in any other country. But what followed on our parts this information respecting Ireland? What measures of investigation, of protection, of precaution? How have the first duties of government been discharged, or how have they been abandoned under circumstances like these?" No measures have been adopted by government but measures of coercion and force. We have inflicted civil and military execution on a people perishing with want. And is it our intention still to persevere in this system? Are we so far satisfied with it? Let us consider what spectacle it is that our proceedings exhibit. We congratulate ourselves on plenty and tranquillity diffused amongst the labouring classes by our measures, when they have been driven to resistance or struggling with want. The exhausted produce of our land has been forced on impoverished markets, the distress and the sufferings of famine have raged amongst the people in every part of the empire; whilst we have been deploring the evils of production and abundance: of calamities arising from the fertility of our soil and the industry and the energy of the people; of that industry and that energy, of those great qualities of the people which if they now succeed in carrying this country through the dangers in which it has been involved by the errors of its legislation; they will accomplish in that a greater task than the people have ever before achieved.

And it is here very material to be considered by the House that the effects of those measures were in no degree contemplated by parliament, they entered in no degree into their consideration when those proceedings were adopted out of which they have sprung. To alter debts and contracts, formed no part of the intention of parliament, when it passed the act of 1819, by which all debts and contracts have been changed. Those who supported that act, had no such view of its character and effects. The committee, on whose report that act was founded, did not consider that measure as being in any way materially connected with these important interests, or as having reference to such questions. So far were that committee from looking on the act of 1819 as an act by which taxes, debts, pensions, and contracts were to be increased: they were so far from looking upon the act, which they recommended, in that character; that in the whole of the report, in which they described the nature of their labours and inquiries, and in which they recommended the act of 1819 to the House; in the whole of that report, there is not to be found any such word or term as debt, or tax, or pension, or salary, or annuitant, or public or private creditor. No reference is made to any such questions. Not even the terms are to be found. The chairman of that committee, who introduced their bill to the House, was so far from considering that it went to increase debts and taxes; that he rested his support of it, in a great measure, on a reference to the examples of former times; when scarcely a debt or a tax could be said to exist in this country. If the view which the right hon. chairman then took of the character of his bill, was, that it went to establish a standard, different in value from the standard which had existed during the war; if his meaning and intention then was, to increase by that alteration the debts and taxes of the war; if that was his intention, then, when he imagined that he was following the example; that he was carefully treading in the footsteps of great monarchs and illustrious statesmen of former times —it escaped him to observe, that he was so acting, under circumstances diametrically opposite to those in which those great monarchs and illustrious statesmen had been placed. If he had informed the House what was the amount of the national debt at the time of king William: what was the amount of our annual taxation in the time of Queen Elizabeth: that would have disclosed a view of this subject to the House, somewhat commensurate with its important character. All considerations of this kind have been wholly lost sight of, in the whole course of these proceedings, as much as they have been now lost sight of in the arguments of the right hon. member for Chichester. And are we to consider it extraordinary, that in measures supported by a great majority of the House, carried unanimously, and affecting in an extensive degree the rights and interests of all classes of the state, that in these

measures every great question of national interest involved in them should be entirely overlooked. When has it been, from the very commencement of these measures, from their first origin in 1797, that the character of any one of them has been understood, at the time when it was adopted by the House? Is there an individual now to be found of all those that composed the majority by which the vote of 1811 was passed—that vote in which this House took upon itself to declare that things unequal were equal—that things unequal in value in the market—were equal in value in public estimation—in the vain hope that the people would receive that fact from our resolutions in opposition to their own experience; is there a single individual of the majority that concurred in that vote, who is now prepared to contend, that that vote had the slightest foundation in reason and truth? And by how many was the character of the act of 1797 understood, amongst those who framed and supported that act, and the acts that followed it? That act changed the nature and character of our public money. It substituted a public money of paper for a public money of metal—a paper standard for a metal standard. But it went further for it made this change from causes, and under circumstances; which rendered it impossible, it may be almost said, that a reduction in the value of that substituted standard should not be at once established; that a depreciation, a debasement of that substituted money should not at once follow. But so far was it from being then intended to lower the value of this substituted public money or public standard; that after its depreciation has taken place, we are called on again to raise it—to abandon the standard of a low, as we had abandoned the standard of a high value; to restore not merely a metal money in the place of a paper money: but a metal money of a high, in the place of a paper money of a low value:—upon the ground, that those who passed the act of 1797, did never contemplate that the standard would be lowered; that the money and measure of value they had recourse to would be sunk: when they did that which rendered it altogether impossible that its original value could be maintained. And although the act of 1797 was of that character, that a depreciation of the public money it introduced, was a natural and almost an inevitable consequence of its introduction; yet it was not till 13 years had elapsed after that act had passed; and after that money had been established; that any considerable portion of the House or the country; that any more than a few individuals did even entertain a suspicion that our paper money had sunk below that old metal money, which it must have either risen above or sunk below, an equality with which it was impossible that it could maintain; it was not till the Bullion committee of 1810, that such belief was entertained, by any considerable number of the House. And with respect to the report of the committee of 1810; doubtless an intelligent document; undoubtedly, the most intelligent of all the proceedings of parliament on this subject; is there any one now prepared to maintain that that report did not with much truth, combine much error? That committee established the fact incontestably that the public money had become depreciated in its value: but what the effects of that depreciation had been; and what would follow from an attempt to increase its value again; of that they lost sight. They saw existing a greatly increasing degree of public wealth—great internal prosperity of all kinds; agricultural, commercial, manufacturing; towns increasing, land improved and improving, public and private credit high—our population was greatly and rapidly enlarged, and all this had taken place in the midst of a long, expensive and destructive war; of public burthens yearly, and greatly increasing. The committee found that the public money had undergone a great depreciation, during the period distinguished by this improving condition of the country. The depreciation of the public money, and an unexampled increase of the national wealth, had gone together. but the committee failed to connect them; the increase of public wealth had taken place under circumstances peculiarly adverse to such accumulation: never before accompanied with increasing population and wealth. They demonstrated the depreciation of money; but it did not occur to the committee that the prosperous condition of the country had arisen out of and was dependent upon it—although the tendency of a depreciation of money to promote industry, and wealth, and the increase of population, had been long and well understood; and is as obvious as is the contrary tendency of taxation and war. The committee, therefore, proposed,

that the value of money should be again raised; that money of the former value should be again re-established. But they did not weigh the consequences which would of necessity follow. They proposed to restore the old standard at the end of two years; and if the House had acted on that report, the act of parliament which adopted it, would have been an act for closing the war at the same period. The supplies of the one were drawn from the resources furnished by the other. The committee of 1810 proposed like the committee of 1819 to postpone the difficulty before them, to spread it over a larger surface—to place it at some distance from their view; they appear to have had some fear of encountering a measure which they yet wished to fix and to entail.—If the House had adopted their report, and had carried an act founded on it into execution; no man can now doubt that that act would have delivered this country, bound, and incapable of resistance and amidst every description of internal disorder, calamity and distress to the conditions of the foreign enemy, whatever they might have been—and in doing that it could scarcely have inflicted on the country, more extensive calamities or deeper sufferings, than have followed and been occasioned by the act of 1819. And with this experience of the character of all our former measures before us; and after witnessing the calamities which have accompanied the act of 1819; and which no cause but the fatal error of that proceeding can account for or explain; are we to believe, that a perfect information on this obscure subject did suddenly and for the first time enlighten on that occasion the unanimous understanding of the House? That those who proposed that measure to the House; that the House itself amidst the tumultuous violence by which its proceedings were distinguished on that occasion, and in the midst of which a measure was decided on; affecting in the most immediate and extensive manner all classes and all interests, that it was then guided by an enlightened wisdom of which its conduct on this subject can furnish no former example; and which so little corresponds with the events that have succeeded. The error of the House on that occasion, and that of the committee consisted in this, that they mistook the value of the paper money; the extent of its existing depreciation; and mistaking that, they formed of course an erroneous estimate of the magnitude of the change they recommended. They took the value of paper from the price of gold. The value of money from the price of one single commodity, and not from the prices of commodities generally. They estimated the rate of a general and an average rise of prices, from the advanced price of one particular article. They found the price of this particular article, advanced at that moment no more than 4 per cent or 5 per cent beyond its price as formerly estimated in money of the old standard: and from thence concluded that the average rise of all prices was to that extent, and no more; and that consequently the paper money was to that extent fallen, to the extent of 4 or 5 per cent only, below the value of the old standard which they purposed to restore. But that particular commodity, which they pitched upon for this important purpose, had been at that moment lowered in its price, by circumstances of a most peculiar character. No less an amount than 7 millions of that particular commodity, had been recently poured into the market from the Bank of England, and disposed of in that market at the ancient price which gold had borne for the former century. This operation was in progress at the moment of the sitting of the committee; but the committee did not estimate, that the price of bullion had been influenced by it. They proceeded to take the price of bullion as a fit criterion of all other prices, without reference to this operation. If the committee had examined evidence on that subject, they would have learned, that, except for this particular operation, the price of bullion at that moment, would have been from 20 to 30 per cent above the mint price, and not 4 or 5 per cent. And I would undertake now to give evidence to that effect at the bar; the evidence of individual dealers in bullion, daily making purchases and sales, and daily observing that market at that period. Let the House consider, what the effect would have been of a similar operation on the market of any other commodity. Would not the corn market at the period of the highest price of corn, of the lowest depreciation of money; have been similarly reduced, if corn to the amount of 7 millions sterling had been for a particular purpose poured into the market and disposed of there at 40*s.* a quarter? Would not the general market of corn have been temporarily reduced to that price; and

should we thence have justly concluded that no depreciation of money then existed, no general rise of prices, because it was not marked in the price of corn? But what course then remained for the committee and the House to adopt? The course was obvious and manifest. First to cause this operation on the price of bullion by the Bank to cease. Next, to return to the circulation, the Bank-notes which had been already withdrawn. To have maintained that circulation at the highest level of the war and of 1817. That step taken—the dangers which immediately threatened, thus guarded against:—Then ought this House to have paused. Great interests were before them. A derangement of long establishment, interwoven with all the vital interests of the state. Great deliberation and caution were necessary. Haste, impatience, and vehemence were ill suited to this period. The circulation kept up to the level of the war; the price of bullion would then have been seen gradually to rise. It would have risen to the level of the general rise of property and commodities. The price of bullion would at length have accurately marked the rate of the depreciation of our paper money; the depreciation of the standard of the war, of the standard of all our debts, contracts, and property; that standard vitally interwoven with all our interests: and this rate and degree ascertained accurately, cautiously, deliberately, with no consideration capable of influencing its estimation, lost sight of; then ought the House to have proceeded to the re-establishment of the metal standard of value; to have adjusted that standard to the precise value of the paper money for which it was to be in future the substitute; to have made its value correspond with the level to which the paper standard had sunk, whatever that level should be found thus to have been; and thus would the House have restored to the country, a metallic standard of value, as perfect in point of security, as perfect in point of limitation, as perfect in respect to its invariability, as any standard that ever has existed or ever can exist amongst us; and have reconciled this great measure with all existing interests, existing contracts, with the rights of property, with the safety and the best interests of the state; it would have rendered this important operation a measure of pure and unmixed advantage to all classes and to all interests; then would the exertions and the glory of the war have been succeeded by a peace as prosperous; and this House, in thus discharging this great duty, as weighty as any that had ever devolved upon it, have merited the lasting gratitude of the country, and have protected the people from all the calamities to which they have been since exposed. That was the duty of the House at that time, and such in my conviction, or little differing from it, is the conduct it ought now to pursue. It is first to arrest the present measures; to return to the circulation and to the standard of the war, or one approaching nearly to it; and to establish finally our metal standard on that adjusted basis. This is my conviction; but the duty of this House is, at least, to proceed under these circumstances, to investigation and inquiry; to examine the full effect of their mistaken measures on the rights, the property and the interests of the great classes of society; to examine on what grounds of justice the best interests of the country are sacrificed, and on what grounds we are now called on to persevere in this system, and what are to be its future effects. We have exhibited in these proceedings enough of blind adherence to destructive measures; of vague and obscure theories inconsistent with facts and opposed to the sense and reason of the people; of presumptuous confidence which events have belied. It is at length our duty to apply ourselves to the condition of the great interests of the country, as they have been affected by our measures, to determine the extent of injustice these measures have effected; the means of redress, and the course which necessity, and policy, and justice now require: to reject those worse than partial views, which would occupy the attention of the House with a reference to the transactions of former times, and would exclude from its consideration the calamities with which we are now surrounded, and the circumstances out of which they have arisen; and to proceed to that investigation with the full conviction before us, that in our hands now rests the power of removing at once the difficulties under which the people labour, of at once relieving the sufferings, of healing the distractions, of turning aside the dangers of the country, and of opening again to the exertions of the despairing, but still confiding people, that career of prosperity, to which the character of our

population will always conduct this country, when the energy of the people is not fettered, subverted, crushed, and destroyed, by the errors of its government. This is our duty, and if we abandon or turn aside from it, on that step now rests the responsibility of all the past calamities, and all the future dangers with which the state is menaced.

Mr. Secretary *Peel* said, that, as he wished the discussion to be as much limited as was consistent with the importance of it, in claiming the attention of the House, he promised to confine the observations which he had to offer within the narrowest bounds. To prove that such was his intention, he would at once come to the question before them, without entering into those abstruse topics in which the hon. member who had just sat down had indulged, and which were hardly fit to be debated in an assembly like the present. For unless a case of over-ruling necessity could be made out, that House ought not for a moment to entertain an idea of again interfering with the standard of the country. It was difficult to conceive a motion to which more objections could present themselves than the one which was now before them. The period of the session at which it was brought forward—the arguments by which it had been supported—the object contemplated—all presented separate sources of objections to it. It was on the 12th of June that they were called upon to commence an inquiry into the effect of a bill, the operation of which affected the agriculture, the manufactures, and the commerce of the empire, and consequently all classes in the state. He would ask the House if it was possible for them to enter upon a more important or more extended inquiry; and what proposition was pointed to as that at which they must ultimately arrive? This was not distinctly made out; and until he came to the speech of the hon. baronet, the member for Westminster, he was at a loss to determine what it was that the committee was to do. The hon. alderman, the member for Sudbury, in supporting the motion had declared that he could not concur in the arguments which had been used in its support. He was followed by another hon. member, who also agreeing with the motion, disapproved of five-sixths of the arguments which had been advanced in its behalf; and to him succeeded the hon. member for Portarlington, who, proposing to vote for it, considered the act of 1819 as the great safeguard of the country, which must not on any account be disturbed. Then came the hon. baronet, the member for Westminster, who told them, "say what you will, the object of this motion is the total repeal of the act of 1819." The object of this motion was fairly stated by the hon. baronet, and he thanked him for his candour, to be the total repeal of that bill, and to establish a new standard which should lower the value of the pound sterling to fourteen shillings. He called upon the House to pause before they agreed to a motion for an inquiry the object of which was thus avowed to be, to reduce the standard of value in this country by one-third. He begged to ask what would be the state of the agricultural and mercantile interests, and, indeed, of every interest in the country, during the interval which must elapse between the commencement of such an inquiry, and the period at which they might hope to arrive at a termination of their labours. Good God! and could the hon. member who spoke last think, that by supporting such a proposition, he was doing that which was likely to calm the public mind, to establish a just standard of value, and secure general prosperity? Could the hon. member for Callington anticipate such results from a proposition, which went to reduce our standard of value from twenty to fourteen shillings? He called on the House to look at what would be the immediate consequences of such a measure. Let them vote that which was proposed to them that night, and to-morrow every man of common sense would be trying to possess himself of every guinea in the country, that, when the committee had closed their labours, he might be ready to profit by the new state of things. What fluctuations, what derangement, what confusion, would not such a measure cause? And, at what period was such a motion brought forward? Was it within a month after that decision had been come to which was now thought so injurious? No. It was after the House had stood pledged for seven or eight years to favour the earliest return to cash payments, and after all the concerns of the country had been, for so long a period, accommodating themselves to the change. In 1814 the House came to a resolution, that it would be desirable that the Bank of England should return to cash payments. In 1816, when his right hon. friend brought in a bill on the subject, the late Mr. Horner would not

consent to it until an express pledge was introduced, that the legislature would see that cash payments should be shortly resumed, and his proposition was accordingly adopted; but the restriction was continued, in order to enable the Bank to resume cash payments with greater convenience. So that ever since 1814, the country had been accommodating itself to this new state of things; and, after having accomplished that object, the House were now told by the hon. baronet, that the intent of the motion of the hon. gentleman was, to reduce the standard of value from 20*s*. to 14*s*. How was it possible to examine and re-adjust contracts upon that principle? With respect to the public creditor, how was it possible to re-adjust the contract? Supposing one of those creditors could be found who had advanced but 70*l*. and now received 100*l*. he might say, "I advanced the money in 1797, 1798, or 1800, when the currency was not so much depreciated as it was afterwards, but the restoration of the ancient standard was then pledged to me." How would they deal with him? How would they deal with individuals who had bought annuities within the last eight years? Each of them had advanced no money to the state; but because he had bought his annuity, suppose at 95, were they now to reduce his dividend? If such measures should be entertained in the House of Commons—if the Commons of England could so far degrade themselves as to sanction such a proceeding—there was an end of that public faith which hitherto, in all circumstances of difficulty, had been the pride of the country, and its best support. But, admitting its fitness, how was it possible for such a principle to be acted upon? Numerous contracts had been closed during the last eight years; but the closing of a contract, if such a course were taken, would be no bar to its being examined, with a view to a new arrangement, as it would be obviously unjust to deny a punctual man who had fulfilled his engagements, a participation in those advantages which would be open to him, who, from not being punctual, had failed to close his contract.

Yet, strong as those objections were, he could conceive a case of such distress as would compel the legislature to adopt a proposition like the present: and, could he believe, with the hon. member who spoke last, that the country was on the verge of ruin, through the restoration to a metallic standard; or could he believe, with the hon. member for Essex, that the effect of a change of the currency was most felt among the industrious classes, where it had produced poverty, ruin, beggary, and sloth—if he believed, that the change of the currency had already caused such disasters, and was about to cause still greater disasters, then he would, though reluctantly, acquiesce in the present motion. But he would now state the reasons why he denied the allegations of those hon. members. Admitting, as he did with pain, that great distress was felt, especially by the agriculturists, he was ready to show that the predictions of ruin were not justifiable, and to assert, that not the measure of 1819, but the restoration of the currency, which had begun much earlier, had not been attended with the injurious effects so confidently ascribed to it. The first subject to which the hon. member for Essex had referred was the poor-rates. He began with this topic, because he meant to advert to several indications of distress alleged to have been produced by the change of the currency, and to show that the use made of them was incorrect and fallacious. "Look to the poor-rates," said the hon. member for Essex, "they were never greater during the war than now." Now, he would deny the fairness of the comparison between a period of peace and a period of war in such a case. But, if there was a general reduction of the poor-rates in one year, as compared with another year of peace, though he would not say that it was decisive, yet he would contend that it was one of many circumstances to be taken into consideration in this question. He would, therefore, refer to two years of peace; not to 1817, or 1818, but he would take the years ending the 25th of March, 1820, and 1821. If 1821 were compared with 1814, and the difference imputed to the change of currency without, reference to the change from war to peace, it would evidently be erroneous; but, taking the two succeeding years in time of peace, it would be found that of 52 counties in England, only two had increased their rates—they were, Huntingdon and Northumberland. In every other county the rates were less in 1821 than they had been in 1820. In every county in Wales great reductions had taken place. He would run over six of them. In the first, the reduction effected amounted to 10 per cent; in the second, to 16, in the third, to 9; in the fourth, to 10; in the fifth, to 10; and

in the sixth, to 10 per cent. In each county there had been some reduction, in six counties a reduction of 10 per cent. If, then, any reference were to be drawn from the poor-rates, it was not the interference for which the hon. gentleman contended, namely, that the country was in a state of decay. The hon. member had then called on the House to judge of this bill from the state of crime, and had referred them to a comparison of three years before 1816, with three years after 1816. It so happened, however, that, though the two periods referred to were before and after the House had declared in favour of restoring the currency, they were marked by one circumstance which had escaped the hon. gentleman's notice, namely, that the former three years were years of war, and the latter three years were years of peace. Now, in all former instances, it was found that there was an excess of crime in peace over what occurred in war. Looking at the capital convictions which had taken place at Newgate, from 1749 to 1755, inclusive, the convictions amounted to 428. From 1756 to 1762, which were years of war, the convictions were about 175. In the years 1760, 1761, and 1762, which were years of war, the number of capital convictions was 61. In the three following years, being years of peace, the total number more than doubled the number of convictions which had taken place during the same period in war, as they amounted to 124. In the four years which followed the termination of the American war, the convictions were 544. The convictions in the first four years of the next war were but 271. These facts proved that those circumstances which the hon. gentlemen had connected, though co-existent, did not stand to each other in the relation of cause and effect. But he would now proceed to take a more important view of this subject, by comparing the state of crime in several succeeding years of peace. He found that in doing this, the number sent to 27 county jails, charged with capital offences, in the years 1820, 1821, and 1822, at the Lent assizes, gave no increase in the latter years. Among the counties taken into this calculation, Chester, Cornwall, Lancashire, Worcestershire, Staffordshire, and Essex, were included, and out of the twenty-seven there was an increase of crime in but four. These were Buckinghamshire, Devonshire, Northumberland, and Essex. In those there was an increase—in all the rest, the numbers were fewer, giving in the whole in the year 1822, as compared with 1821, a reduction of 414. From this he could not draw the inference, that the morals of the country had suffered from the bill of 1819.

The right hon. gentleman next adverted to the flourishing state of the revenue. He did not refer to the increase in the different branches of the revenue with the natural exultation of a minister of the Crown, but he drew a fair inference from it of the corresponding increase of consumption. There had been 60 Excise collections between the year ending October 1820, and the year ending October 1821. In five of these collections there had been a diminution, and in four instances the diminution had arisen from a failure in the growth of hops; in the other fifty-five collections there had been a considerable increase. With regard to the number of Excise prosecutions to which the hon. member for Essex had alluded, it appeared from the official returns, that in 1817 there had been 461 prosecutions; in 1818, 378; in 1819, 220; in 1820, 229; and in 1821, 186. There had been no increase of prosecutions on account of the assessed taxes, and in the last two years the diminution of law expenses had been very considerable. The next consideration suggested, was the state of the labouring classes. Upon this most difficult of all subjects, whatever information had been given to him, he received with much hesitation. The great value he attached to the change in the currency was particularly on account of the labouring classes. Ever since 1810, the effect of the depreciated currency was believed to have been particularly oppressive upon the labouring classes; and what had made him anxious to effect a permanent change in the currency was, the good effect which he believed it would have on the labouring and manufacturing classes. And here he would advert to a statement brought forward by the hon. member who spoke last against the change in the currency. The hon. member had read a letter, dated in July, 1819, from Manchester, to prove that the labouring classes were at that time in distress. But as the act now in question had not passed till the second of July in that year, the distresses of Manchester could not be imputed to it. He held in his hand returns of the condition of the manufacturing classes in Bolton, Rochdale, Manchester, Leeds,

Glasgow, Huddersfield, and Nottingham, which he would state to the House. He would cite to the House the various accounts which he had received from the manufacturing towns; and hon. gentlemen would judge whether the situation of the labouring classes was such as had been described by the hon. member for Callington. At Bolton, the state of affairs was this;—an immense quantity of goods had lately been manufactured; the working population was well provided for; and the profits of the master manufacturers were low. At Rochdale, the spinners were said to have plenty of employment; and the working weavers never doing better. At Manchester, the profits of the master manufacturers were said to be smaller upon the average than they had been in former years; but from the contraction of credit, and the improved quality of the currency, the risk of loss was also less; speculation and adventure were less common; consequently profit, though smaller than heretofore, was more secure; at present there was abundant employ for the working classes. At Leeds, more cloth was making than had been known for many years; but profits were comparatively low; the working classes were generally employed; their nominal earnings were less, but their comforts greater, than they had been formerly. From Glasgow the account was equally favourable. At Huddersfield the profits were low, but the whole population was employed; good workmen earned constantly from 16*s*. to 22*s*. per week. At Nottingham all was doing well but the silk stocking trade. Now, such was the result of his inquiry into the state of the manufacturing classes, which he presented to the House exactly as he had received it. The statements admitted the rate of profit to be low, but it was high enough, evidently, to induce persons to enter into trade, or the workmen would not be fully provided with employment. The assertion of the hon. member for Callington, as to the condition of the labouring classes, he begged leave altogether to deny; and the House, he trusted, would see, that that statement had been greatly exaggerated. The natural result of a return to a metallic currency must be a diminution in the profits of the masters, and an increase in those of the men. The reverse had been the effect of our continued paper system; the speculations, and, in some instances, the gains, of the masters had risen; but the workman's wages had been low, and his comforts inconsiderable. Upon the whole, both parties would be benefitted by the change: for the labourer's condition was visibly amended; and the profits of the employer, if less sudden, were more certain.

But, while he was presenting this view to the House of increased prosperity among the manufacturing classes, he felt that it was impossible to doubt or to deny the pressure that existed upon other interests of the community. He admitted the distress of the agricultural interest; but, before the House consented to resolutions like those now proposed, let it be sure that the distress had arisen out of the return to cash payments, and that a repeal of the cash payment act would remedy the evil. That the resumption of cash payments had tended, in some degree, to increase that distress he was not prepared to deny; but let them see whether the same state of things did not exist in countries where the same causes had not operated; and if such should be found to be the case, he hoped the House would see cause to doubt, whether the particular measure complained of had occasioned the agricultural distress. In the first place, to revert to the reduction in the price of agricultural produce: let the House look to a country which, during the war, had never departed from a metallic currency, and then see whether a fall in prices had not taken place. Let them take Amsterdam, for instance, where, during the whole war, the currency had never been altered. If they compared the prices of 1817 and 1818 with those of the year 1822, a considerable reduction would appear in favour of the latter period. In 1817, Polish wheat had been at from 510 to 540 stivers per last. That was an extreme price; but the following years gave an average of 260 to 290 stivers a last, while the price in the year 1822 was only from 190 to 200. In oats, rape-seed, Prussian rye, and a number of other articles of agricultural produce, a similar rate of reduction would be found. Then how stood the fact in other quarters? Were there no complaints in the Low Countries of agricultural distress—of abundance as to produce, and diminution as to the means of consumption? He would read to the House a petition presented to the chamber of deputies at the Hague, and they would see that it contained statements which might absolutely pass it off for a petition of British

agriculturists. The petition complained that for a long time past all agricultural produce, and property connected with the produce of the land, butter alone excepted, had been falling in price; and that at length it had become so low that it would not pay the expenses of cultivation. Again; to look at the account of Mr. Jacob, a gentleman of considerable eminence, who had travelled on the continent, and who had given the benefit of his experience in evidence to the House. Mr. Jacob found in Brunswick and Saxony that the land was generally mortgaged. The Dutch farmers were all complaining. In France, his knowledge extended only from the frontiers of Germany to Paris; but upon that line of the country he had heard nothing but complaints. In those countries the distress had accrued without the aid of a return to cash payments. Was it reasonable, then, to attribute the distress of this country entirely to that measure? Still, however, he wished to be understood as not denying that the act in question might have had some share in the difficulties which had followed upon it. There were two ways in which such an alteration of the currency might have operated upon the country: first, to the extent of the actual difference between depreciated paper and the ancient standard of value; and next, to the extent of that additional value, which a variety of events might have given to money itself. The causes of variation in the value of money no man could determine; but if the House once established the fatal precedent of disturbing existing contracts to meet such variations in value, the idea of a fixed standard for the country was at an end for ever. Fluctuation in the value of money had always occurred, and must continue to occur; but far better would it be to take to the paper system again, than to set the example of reviewing the contracts of the country, on account of an alteration in the value of its currency. The right hon. gentleman concluded by expressing his decided opposition to the motion, and his readiness to support the amendment, which was indeed a mere record of the fact, that it was not the intention of the House to depart from the present standard of our currency.

Mr. *Brougham* rose for the purpose of stating very briefly the grounds on which he should give his vote to the motion of his hon. friend, the member for Essex. Of all the propositions which had ever been submitted to any House or to any auditory, that proposition would be the most extravagant and absurd (if indeed any man could be found moon-stricken enough to submit it), which the right hon. gentleman had hinted at in his argument; namely, the proposition of resorting to a paper standard. That paper proposition was none of his. He considered a standard as necessary to the country; he looked upon the due fixing and arrangement of that standard to be part of the policy and of the law of the country; but his doubt was at present, whether it ought not to have been fixed lower than it stood, with reference to past events, and to the circumstances of the time at which it was adjusted. His reasons for supporting the proposition for inquiry were these. Parliament had done that which gave the country a right to inquiry. Parliament had been the great actor in that portentous plot, the unravelment of which formed the present subject of discussion—in that plot, the full effects of which the country had not yet lived to see; but which was the cause of the evils under which at present it was labouring. To hear some gentlemen on the other side of the House, a man might imagine (if he could lose the recollection of the last twenty years), that no tampering with the currency had taken place during that period; that the House was now called upon, for the first time, to interfere between debtor and creditor; that they were now first called upon to do, what in all former times had been held impolitic and unjust—to lower the value of the currency of the country. But he would say, that since the year 1797, they had done nothing but tamper with the currency of the country. Who had first broken public faith, and interfered between debtor and creditor? Who, after a man had made a contract, came in and said, "you shall not pay this, which you have agreed to pay; but you shall pay something else, which you have not agreed, nor expected to pay. You have received at the rate of 15*s*., and you shall pay at the rate of 20*s*?" It was the House of Commons which had done these things. The legislature, in the year 1797, had commenced its operations upon the currency of the country. The consequence of the act of 1797 had been an immense transfer of property from one class of the community to another. Now government was trying to make another transfer back again, in the dark as to who was to get the

property, and seeing nothing plainly but the persons from whom they were to take it; and the consequence would be, that it would pass from those who had it, not to the original possessors, but to persons who had never lost it. He supported the inquiry moved for by his hon. friend upon the grounds of public convenience and public advantage. The mere fact of public convenience—the mere supposition that it would be affected—had been held a sufficient ground for restraining our cash payments. The 37th of the late king—the Bank Restriction act—proceeded simply upon a supposed suspicion, that coin was being hoarded, and that there would be a deficiency of money to meet the public purposes. On grounds of public convenience, the legislature had first entered upon its long course of fatal impolicy. For that reason only, it had overturned the ancient standard of our coin; and, on the same ground, surely, the country was entitled to call for an inquiry into the effects of too sudden a return to that system which had been, in the first instance, so fatally departed from. The right hon. gentleman who had last sat down said, that until the country was shown to be in the state described by the hon. member for Callington, he would not listen to any such proposition. Upon that point he was at issue with the right hon. gentleman; for, after following him through the whole of his reply to the hon. member for Callington, he was much more disposed to take that hon. member's view than his. The right hon. gentleman, in the first place, took the poor-rates in his aid, and contended that they had diminished in the course of the last two years. But how did the right hon. gentleman make the comparison? He did not compare the years 1821 and 1822 with former years, but he took those two years, and compared them with one another. Taking that course of comparison, and applying it to some of the Welch counties, the right hon. gentleman made out a diminution of about one-eighth or one-tenth. But this proceeding was a repetition of the argument of the hon. member for Essex, rather than an answer to it. The hon. member for Essex did not deny that there had been, nominally, a reduction in the poor-rates: he did not deny that a less quantity of money was paid; but he said, "take the quantity of bread or other food, which that quantity of money will purchase, and you will find that, instead of paying a diminished rate, you are, in fact, paying an increased one." The whole statement of the right hon. gentleman was a confirmation of the argument of the hon. member for Essex. Look at the price of grain in the years 1820 and 1821. In 1820, the price had been 67*s.* a quarter; in 1821, 55*s.* only. Here, then, was a difference of 12*s.* a quarter upon wheat, which more than balanced the nominal diminution in the amount of the poor-rate; for the reduction of the poor-rate was, according to the right hon. gentleman's own showing, only an eighth or a tenth, while the reduction in the cost of corn amounted almost to a fourth. The calculation, in fact, showed that the poor-rates were increased.—The next point of the right hon. gentleman's speech to which he would advert, was his statement, that since the return to cash payments, the amount of crime in the country had decreased. If he looked at the document he now held in his hand, he feared it would be found not to bear the right hon. secretary out in his conclusions. From that document it appeared, that in the year 1811 there had been committed for crimes in England 5,000 individuals. In 1812 the number had increased to 6,500; and it continued to increase every year until the year 1815. At that year it suddenly increased in a very considerable number, and kept on augmenting in the years 1816, 1817, and 1818. In 1819, the number exceeded that of 1818. In 1820, there was a diminution of 500 below 1819; and, in 1821, there was a farther diminution of about 600, as compared with the year 1820. Now he would contend, that in a comparison of years where the number of commitments was so great, the increase or diminution of 500 or 600 could not weigh much on either side. The change from war to peace might account for an increase in the number of commitments for the first year or two of the peace; but here was an increase in the first year of peace of 1,200, and in the next an increase of 3,000 or 4,000. But in the year after the return of the troops from France, and when we might be considered as being most perfectly at peace, then the increase was greatest. But how did the case of the diminution stand in the years 1820 and 1821? He would assert, that there were many causes to account for a diminution of crime in one year as compared with another. He contended, that a great part of the diminution of commitments in those two years could

be accounted for by the diminution in the number of prosecutions for Bank forgeries; but there were so many causes from which the diminution might arise—for instance, a mild winter would occasion fewer commitments than a severe one—that no stress could be laid, no general conclusion be drawn, from the decreased numbers which had been stated.—The right hon. secretary had come next to the revenue, and had taken it as an argument in his favour, that there had been no complaints of a dilapidated revenue. For his own part, he had not heard any arguments used on that subject. He had not heard any such complaints; but he had heard that to which no contradiction had been, because no contradiction could be given. He had heard it asserted, that the revenue was much higher, and fell more heavily on the public, than it had done before the resumption of cash payments. He had heard it said, and not denied, that while nominally at 60 or 61,000,000*l.* it was in effect, and as to comparative value, nearer to 80,000,000*l.*; thus equalling in substance the most costly year of our most costly and extravagant war. This was the complaint which he had heard—that there was a virtual increase in the pressure of the revenue, amounting to something about 30 per cent.—But it was contended, that the increase in our revenue was a proof of the increased comforts of the people; and the Excise was called in as a proof of this. The collection of this branch had, it was said, increased in amount. This, he maintained, was a most fallacious criterion by which to measure the prosperity of a country or the comforts of a people. He knew that the chancellor of the Exchequer looked upon him with a smile of pity for such an assertion: for that right hon. gentleman had been accustomed to view prosperity as finance, and to judge of the comforts and happiness of a people by the amount of their contributions to the Exchequer. But he (Mr. B.) would contend, that the increase, if any, was to be accounted for upon other and different grounds. It was well known that, for the last two years, the manufacturers were enabled, upon the same rate of wages—and that they were low enough, all who were acquainted with the manufacturing districts would allow—to procure a greater quantity of the necessaries and comforts of life than they had been able to do at any former period for several years. It was natural, then, in proportion as those articles of consumption were excisable, that the amount of collection in that branch of revenue should be increased. But then, see how the thing stood. This very circumstance was one of those of which the agriculturists complained. They complained that such a depreciation of their produce had taken place, that they were growing it to a loss. They complained, that agricultural produce of every kind was brought—that they were obliged to bring it—to market, where (if he might use a common phrase) it was sold for less than nothing. It was of this they complained, by which their situation was rendered so much worse than before. To this it was owing, that the low wages of the manufacturer, who was the great consumer of agricultural produce, enabled him to live better, and to purchase a greater quantity of excisable goods than he otherwise could do. This, as far as the increase of the comforts of one class was concerned, could not be regretted: for it was a consolation, that out of so much evil any good should be produced; but he wished to warn the House against taking the fact as a proof of the prosperity of the country. It was, he would maintain, impossible that the agriculturists could continue to grow at a loss; it was impossible that they could continue to go on in the present way. [Hear!] They must reduce their cultivation and grow less than they now did. The price would then be increased; and whenever that time arrived, so soon would it be found that the wages of the manufacturer would not be sufficient, not merely for the supply of luxuries and comforts as they were called, but for his subsistence. One effect would be, that the profits of the master manufacturer, now low enough, would be greatly diminished; and the consequence would be, either that hundreds and thousands of hands would be thrown out of employment, or be obliged to work at such reduced wages, as would make them look back with envy on their miserable pittance of the present period. He understood the meaning of the cheer at his saying that at no distant time the farmer must reduce his produce. He repeated that such must be the case. It was impossible that he could go on and cultivate at an annually increasing loss; and it must follow, that the price of corn must thereby be increased by the diminution of the supply, unless the House did what they as yet showed no great willingness to

do—so reduce the taxes, as greatly to lessen the expenses of cultivation. There was no other remedy, and as that remedy was not likely to be applied to the extent which would relieve the farmer, the only resource left him was, to throw a large quantity of land out of cultivation—that was to say, to bury the capital which he had heretofore employed on it, as completely as if he had thrown it into the sea—that was to say, to destroy and render of no avail all the labour and exertion of former years in improving that land. Yet this was the melancholy and only hope which was held out to the agriculturist by hon. gentlemen on the other side—that his produce must be lessened by throwing the land out of employment, and thereby lessening his means of subsistence.—He had heard it stated, that a great portion, if not the whole, of the present agricultural distress arose from over production; and he was told to look at the situation of the continent in the same respect. Now, he could not see how, with an increase of population within the last 30 years, in the proportion of 3 to 2, and without any extraordinary application of machinery in its cultivation, such a circumstance could arise. How this assertion could be supported, under such circumstances, was to him a mystery which he was not able to solve. But another reason why the distress did not arise from over production, was founded upon the comparison of the prices in the year 1792 and the present time. Much as the farmer justly complained of his situation at present, the prices of his produce were not at present lower, nor so low, as they were in that year. If there was a redundancy, as compared with that time, the prices must be lower; but the price last year was *55s.* and it was only in the present year that it had come down to *50s.*; whereas in 1792 it did not exceed *44s.* But surely if we had a redundancy, the price should be still lower. What the farmer complained of was, that his expenses were doubled since 1792; and to him it was immaterial whether the price was diminished, or the expense of cultivation; each had an equal effect in the diminution of his profits. As to foreign countries he would contend, that there was no comparison between the distress which they experienced and that which was felt by the land-owners of England. With the exception of one or two places in the North Riding of Yorkshire, and part of the north-east coast of Northumberland and Durham, he had heard of no places where the distress was not equal in every county; and it was not the land-owners and farmers alone who suffered, for it was known that where the farmers suffered greatly, the labourers suffered in proportion. In some places, the distress existed to the extent of the production of crime; and in Norfolk and Suffolk, where the farmer suffered most, the situation of the labouring poor was most wretched; and the distress and wretchedness of Ireland were too well known to need any comment of his. "But," said the right hon. secretary, "see the distress which exists in several places on the continent, where it cannot have arisen from an alteration in the currency." Now, he (Mr. B.) denied that distress existed to the same extent on the continent that it did in this country. But if there was distress felt in France and the Netherlands, a great part of it could be traced to the same cause; for, he would ask, could 10,000,000*l.* be withdrawn from the circulation there, and not be sensibly felt? The alteration with us had taken place all at once. With them it was more gradual, and its effect was spread over a larger surface; for the 10,000,000*l.* which had been withdrawn must be considered as from the whole of the continent. However, in proportion as it was lost in different places, so must the inconvenience be more or less felt. Thus, the depreciation of prices in Bordeaux was 14, in Hamburgh 16, and in England 40 per cent, which would explain the difference of effect between the operation of the cause on a larger or a smaller surface. He was not prepared to say, that all the distress of the country arose from a return to cash payments, yet still he would go to the inquiry, though he did not know exactly how it would operate. [Hear, hear, from the marquis of Londonderry.] Did the noble lord mean that he should so far reverse all rational proceeding, as to anticipate the result of an examination before he went into it? Did the noble lord imagine him such a novice in logic, that he would preface a demand for inquiry by an anticipation of the result? It was because he desiderated information—because he was ignorant of all the effects of the present measure—because he did not see all the evils, and could not be aware of the exact nature of the remedy which might be necessary, that he called

upon the House to go into the examination of this important question. If he already possessed full information upon those points, inquiry would be absurd: but, if any thing could render him more anxious for the investigation—if any thing was wanted to convince him still more of the necessity of strict examination into this important matter, it was the reception which had been that night given to one of the most argumentative, learned, and elaborate speeches, which he had ever heard delivered upon a subject of so very abstruse and difficult a nature. The hon. member for Callington (Mr. Attwood) had brought to bear upon this question a degree of practical knowledge, logical acuteness, and, he might add, eloquence, which had rarely been combined on such a topic. He did not speak from prejudice in favour of the hon. member for Callington, seeing that he differed widely from him on many subjects; but it was almost impossible for any person interested in the subject, not to listen to him with attention and respect—nay, with admiration. Yet such an address seemed scarcely to have been attended to by the House. They were not in a frame and temper to listen to argument. He would not say dozens or scores, but hundreds of members had poured in during its delivery, not to discuss, but to vote and to prevent discussion; and while an argument was going on, which it was more easy to put down by clamour than to answer, they loudly called for a decision. [Hear, hear!] If any thing, then, could induce him to be more anxious for inquiry by a committee, it was, that he saw the House not in a frame of mind at present fit for a discussion. It was, he said, now too late—[Cries of "Hear, hear," from a member in the side gallery.] This was an additional proof of what he had just observed. This torpid indifference upon a subject of such importance, showed the patriotic feelings of the party. He could not but admire the ease of mind of some gentlemen, who could treat a subject, for the result of which the people of the country from one end to the other waited in breathless expectation, as a matter of mere common-place. He repeated, that it was now too late to talk of an immutable standard of currency, when, for the last five and twenty years, the whole system of gentlemen on the other side had been, to violate that standard. When it was seen that contracts had been made, and afterwards broken without scruple, he would say, that no man who saw this done from day to day but must have come to a conclusion that it was never intended by government to return to cash payments. In 1811, a majority of that House—a majority as great as that which he was prepared to expect were now ready to dismiss this motion, and stamp the decision of 1819, with a second vote of parliament—had passed a resolution, which any man who could count ten on his fingers must have known to be false, and which was proved by the force of an act of parliament passed within two months afterwards to have been false—that a pound note was worth 20*s*. This was in May, 1811; and in the July following, an act was passed for the punishment of any man who should attempt to give less than 20*s*. for the pound note; thereby demonstrating that the public did not believe it to be worth that sum. This the House had done then, though it knew it was asserting what it did not believe. From his recollection of these facts, and for the reasons he had stated, he would vote for a committee, though he could not pretend to say what all the consequences of such a measure would be. He, however, felt satisfied, that if the House did not adopt such a measure at present, it would in a short time force itself upon them, and that in a way which it would not be able to avoid.

The Marquis of *Londonderry* said, that at that hour of the morning he would occupy the time of the House only for a few minutes. The motion of the hon. member would, he contended, if adopted, lead to very dangerous results, and could produce no possible benefit. With that candour and manliness which characterized that hon. member, he had at once called for a committee to inquire how the standard currency of the country might be altered. Such a motion could be met by arguments showing that no alteration was necessary. But, that this was a measure not called for by necessity, was proved by the conduct of the hon. member himself; for if he considered it a measure of the importance which it was now sought to attach to it, why had he delayed it until the present period of the session? With respect to the amendment of his right hon. friend, it had been greatly misunderstood. It was not meant by it, that under no possible contingency any alteration could take place in the currency of the

country as now established, but that at the present moment there was not the slightest ground for departing from the sound principles on that subject which had been recently put into execution. The present, he maintained, was not a time for the adoption of any plan for an alteration in our currency. When the House considered the daily attempts which were made to shake the public faith—when, within the last 48 hours, they saw the attempt which had been made, and with success, in a neighbouring county—when they saw a man of whose talents he did not mean to speak disparagingly, getting up in a meeting of that county, and moving a clause to be added to a petition about to be presented to that House, calling on the House to deprive the public creditor of the fair interest of his debt—he would ask, was this a time for interfering with our currency, or was it not a time in which the House was called upon to affirm their former vote on the subject? He denied that the standard currency had been altered. The payment of specie had only been suspended; and in every contract subsequently made, a reference had been had to an expected return to cash payments. He must protest, therefore, against any arguments founded upon such an assertion. He contended, that whilst this investigation was going forward, one of two things must take place—either all contracts must be at a stand-still from a want of knowledge of the value in which they were to be paid, or extensive speculations would be formed, to collect a great quantity of that commodity in which the standard of value was likely to be fixed. If they wished to pass any measure to destroy public and private credit, and to throw all the operations of our industry into confusion, he could not conceive a measure more certain of doing it than the one proposed. The fixation of the standard was the only measure by which the country could hope to emerge from its present embarrassments. He should therefore, without pressing the argument farther, call upon the House, not merely to negative the motion, but to affirm the amendment of his right hon. friend.

After a short reply from Mr. Western, the House, at three in the morning, divided: For Mr. Western's motion, 30; Against it, 194. Mr. Huskisson's Amendment was then put, and agreed to.

List of the Minority.

Attwood, M.	Moore, P.
Bennet, hon. H. G.	Monck, J. B.
Burdett, sir F.	Maxwell, J.
Bentinck, lord W.	Owen, S.
Burrell, sir C.	Price, P.
Burrell, W.	Palmer, F.
Brougham, H.	Rowley, sir W.
Brown, Dom.	Thompson, alderman
Benett, J.	Titchfield, marquis
Crawley, S.	Wodehouse, E.
Denison, W.	Webb, E.
Dundas, C.	TELLERS.
Gurney, H.	Western, C. C.
Gratton, J.	Hamilton, lord A.
Grosset, J. R.	PAIRED OFF.
Griffiths, J. W.	Barham, J. F.
Heygate, alderman	Barham, J. F. jun.
Honywood, W.	Leycester, R.
Latouche, R.	Ossulston, lord

HOUSE OF LORDS.

Thursday, June 13.

BANKRUPT LAWS.] The *Lord Chancellor* said, that a bill had been brought up from the other House at the close of the last session, making some important changes in the Bankrupt Laws. But as it contained much unnecessary matter, and was otherwise highly imperfect, he had signified his intention, if the measure were allowed to drop, to introduce a bill, or bills, upon the subject. This engagement he was now ready to perform. The first bill he should bring in, would remedy a considerable hardship, occasioned by the law as it now stood. If a commission were issued against a particular firm, all the partners were involved in the same fate, whatever might have been their conduct. Now, men had different feelings, and there were some who would think it highly important to their character to have the commission of bankruptcy superseded, instead of being obliged to take their certificates as bankrupts. This, however, could not now be done. The object of his bill, therefore, would be, to amend the law in this particular, and to enable the lord chancellor, or lord keeper, in cases of bankruptcy under a joint commission, to supersede the commission against any one of the partners who had satisfied all his creditors. On Monday, he should introduce another bill to amend some other part of the bankrupt laws, and he hoped that, together with the present, it would pass before the close of the session. He should afterwards propose a third bill, but as he had not yet made up

his mind with respect to all its clauses, he should not expect it to be carried into effect until the ensuing session.—The bill was brought in, and read the first time.

HOUSE OF COMMONS.

Thursday, June 13.

IRISH TITHES LEASING BILL.] Mr. *Goulburn* said, that in rising to call the attention of the House to this important subject, he was deeply sensible of the difficulties with which any individual had to contend, who undertook to submit to parliament a legislative measure on the subject of Tithes. All questions which involved the right of property were of a delicate and embarrassing nature; but there were, in this particular question, so many, and such important interests—so much of passion and prejudice to be reconciled, that it presented far more than ordinary difficulties. The antiquity of the system, and its necessary connection with the most valuable part of our institutions, made it doubtful how far any measure for its regulation could be satisfactory. It was not enough to see the evils to which the present system gave rise; it was requisite that the remedy proposed should not produce a derangement of other parts of the system, more dangerous than those which it was intended to repair; and it was, from these circumstances, more than probable, that any proposal would appear inadequate to the object in view. He begged to assure the House, that he had not approached the subject with any idea of superior competence for a task which others had in vain undertaken, but had been influenced solely by that anxious desire which animated the head of the Irish government, to remedy the evils under which Ireland had suffered, and to advance one step, at least, on the road of amelioration and improvement. He might have flattered himself that a measure brought forward in this spirit, and with this object, would have received the general, if not the universal concurrence of the House; and although he had been apprised that this was not likely to be the case, he nevertheless did not despair of so explaining the measure as to entitle it to the favour and approbation of the House. If, indeed, there were any persons who entertained an idea of finding in this bill a sanction for those wild and erroneous schemes which had been recently given to the public, or who considered that it was expedient to invade the property of the church, with a view to relieve other classes of the community from the burthens under which they laboured—to such persons he could only say, that, as he neither expected nor courted their support, he did not feel any apprehension of encountering their opposition. He was clearly convinced, that any such attempt at spoliation would not only be an act of the grossest injustice, and a violation of the most sacred rights of property as affected the church, but would lead to consequences, of which it would be impossible to calculate the final result. It required very little sagacity to foresee, what history had sufficiently proved, that, if that principle was once applied to the property of the church, no species of property would be safe from its operation; and to such a principle, whenever and by whomsoever proposed, he should always be prepared to contend in argument, and to offer every resistance in his power. He did not, indeed, apprehend that he should be met in the House by any such opponents. He was, however, given to understand, that the measure which he was about to propose would be opposed on the ground that the only remedy that could be applied to the acknowledged inconveniences of the tithe-system in Ireland, was general commutation. Certainly, the plan which he meant to propose to the House was not founded upon that principle. If gentlemen meant by a commutation of tithes, a just and full equivalent given to the clergy for that property to which they had the most absolute and incontestable right, and that that equivalent was to be voluntarily accepted, he had no objection to the entertainment of such a principle; but he must add, the settlement of it on these terms was not a matter of easy execution. But, if by the term commutation it was meant that the church should be forcibly dispossessed of its property, and should be compelled to accept what might be called an equivalent in lieu of it, and if that equivalent was to be estimated and settled by persons unconnected with the church, and uninterested in the maintenance of its rights—to such a plan of commutation he should give the most decided opposition, because, in his opinion, it would differ very little, if at all, from the direct spoliation to which he had previously adverted. But, although the plan which he was now about to submit was

not founded upon the principle of commutation, he begged not to be understood as pledging himself, in the slightest degree, against a measure founded upon that principle, provided he could see any mode of disentangling it from the numerous difficulties and embarrassments with which it was enveloped. When, however, the House considered the immense mass of information which it would be necessary to collect, before a well-digested and practicable plan of commutation could be prepared for the consideration of parliament, it would pardon him, he hoped, for coming forward, at this early period, with a measure of another description, which, though it did not embrace commutation, would be found to afford very material relief to the grievances at present resulting from the mode of administering the tithe system in Ireland. He would now state the principles upon which the bill he proposed to bring in was founded. That principle was simply this:—that tithes were, to all intents and purposes, private property—property held under the most ancient and unobjectionable title—the property of a class, the most respectable of the community; and to be approached with a degree of carefulness and delicacy to which no other description of possession could lay claim. He was bound to declare, too (setting aside occasional exceptions), that the property of the church was beneficially administered for the general interests of the country. Apart from the indulgence of particular opinions, the merits of the clergy, as a body, must be confessed. The fact, were it otherwise, no way touched the subject in question; it was no waver of a man's title to his property to say, that he spent it improperly; but the fact, as to the church, was as he (Mr. G.) stated it; and he defied the most anxious inquirers to disprove its accuracy. Public emergencies occasionally did require sacrifices of private property. The clergy admitted the justice of that principle; they had been, and still were, prepared to share those sacrifices with the rest of the nation; and demanded only that their fair proportion should be allotted to them. They claimed no exemption on account of the sanctity of their character—no favour on the score of their influence over the community; but they desired that those circumstances might not be made to weigh against them. The natural consequence, then, of considering tithe as property was, to reject the idea of compulsory interference with respect to it. The bill, therefore, rather gave the power of remedy, than compelled it; and if he could satisfy the House, that if adopted, it would give a power of remedying the existing evils, and would make it the interest of all concerned, to avail themselves of the permission which it gave, he thought he could not fail of receiving their support. It was necessary, then, to consider what were the evils of the tithe system. And here he begged to observe, that many evils were attributed to the tithes which did not belong to them—many arose from causes more or less unconnected with them—but much was assignable to the peculiar tenures of land, and the administration of landed property in Ireland, and to the habits of the people, which gave to the tithe system in Ireland an operation and an effect unknown to the same system in England. He wished particularly to impress upon the House, that it was not so much the tithe itself, as the operation of tithes on a peculiar state of landed property, which gave rise to the evils complained of; because it was this circumstance which formed his qualification for bringing forward a separate measure, with respect to the tithe of one part of the united church. He begged not to be understood as throwing out any general aspersion upon the people of that country; neither did he mean to attribute any of the abuses to a disposition on the part of the country gentlemen of Ireland to violate the rights or infringe upon the property of the clergy; for he was convinced, that, upon the thorough union of the clergy and the country gentlemen of Ireland, depended, in a great degree, the tranquillity and the safety of that part of the united kingdom. It would be, therefore, most culpable in him to let fall any expression which could excite dissension between those two most important classes of the community.—It was necessary, he repeated, in the consideration of this subject, always to bear in mind, that tithe property in Ireland was subject to many inconveniences which did not attach to the same species of property in England. Independently of the peculiar nature of the tenure of land in Ireland, which led to serious inconveniences, there were many and great evils that arose out of the mode of the collection; not that he meant to attribute to the clergy of Ireland any undue severity in enforcing the payment of tithes. He

had accurately examined the amount of their demands; he had had returns from every diocese, and almost every parish, in Ireland; and the result was, a conviction that the clergy universally manifested the greatest forbearance, and demanded, in general, much less than that which they were legally entitled to receive; and, indeed, however strange and paradoxical it might appear, some of the evils arising from tithes in Ireland arose from that very forbearance, on the part of the church, which induced a postponement of the payment to a period more distant than was usual in England. The great evil of tithes was, the uncertainty of the amount to be demanded. This was an evil applicable to tithe in all countries; but it applied with additional force to Ireland. The character of the Irish was not peculiarly distinguished for providence; they were little accustomed to make provision for distant and uncertain contingencies, when requiring a sacrifice of immediate enjoyment. In saying this, he meant to throw no slur upon their character. The evils of which he complained had their origin, if not in their virtues, at least in their warm and generous feelings; but this circumstance aggravated, with respect to them, the evils of uncertainty. Another great and leading evil of the tithe system in Ireland was, that the clergyman was, generally speaking, compelled to receive the bulk of his tithes from the very lowest and poorest parts of the population. In England, tithes were, for the most part, drawn from a higher description of individuals—from farmers, who, in general, employed considerable capital in agricultural operations, and who had therefore more ready means of meeting the demands of the incumbent, than any which the Irish cottager possessed. In Ireland, the case was very different, and the clergyman was frequently reduced to this distressing dilemma, either to exact his pittance of tithes from the poorest individuals, or to abandon his lawful right, and consequently his income together. In England, the clergyman might be liberal to the poorer tenant, and might forego his demand—the bulk of his income was drawn from a more wealthy class; but, in Ireland, it would be impossible for the clergyman to forego the exaction of tithes from the poor, without giving up the whole of his income. He had before him a list of Irish livings, and, in order to illustrate what he had stated, he would mention one case to the House, not selected for the purpose of effect, but casually taken from the list before him. In the case of the parish to which he alluded, which was in the county of Kerry, the income of the incumbent amounted to 480*l.* a year, and he had to collect his tithes from no less than 1,960 persons. It was obvious how difficult it must be to collect tithes from such a number of individuals; and, consequently, how uncertain the income of the incumbent must be. For, though the amount of the sum to be collected from each individual was small, it was not, on that account, collected with the less difficulty.—Another cause which tended to increase the evil in Ireland, arose from the mode in which lands were let. It was, he believed, well known, that lands in Ireland were generally let by competition, and such was the attachment of the Irish to the place of their birth, and their desire to reside upon the spot where their fathers had lived, that small farms and tenements were eagerly tenanted at sometimes an exorbitant rent. To provide for that rent was the only care of the tenant, and therefore no provision was made for the payment of tithes to the incumbent. The clergyman, possibly with a large family, was therefore under the necessity of giving up his income, or of instituting a number of law processes, both expensive and harassing in their nature. This led to another and a most serious evil; it brought the clergyman into close and hostile contact with the poorest of his parishioners, who being generally of a different religion from him, were the more averse from payments of this kind. With a view, then, to apply a remedy to those evils, he should now move to bring in a bill to enable the incumbent to enter into leases for 21 years for the tithes, not with the occupiers, but with the proprietors of the soil. One beneficial effect resulting from this plan would be, that during the continuance of the lease there would be no uncertainty of payment; the poorest occupier might therefore be induced to make provision for the payment of his tithes. It might be said, that the system of leasing tithes was already in operation in Ireland; but there was this material difference between the system now in existence in Ireland and that which he was about to propose—that now, the lease being during the life of the incumbent, or while he should retain the living, such a lease could not bind the successor to the living. A moment's consideration

would show, that leases of this description must be liable to great inconvenience, on account of their uncertainty. The incumbent was secure, but the lessee was not. The death of the incumbent—his promotion—the exchange of his benefice, at once violated the contract, and left the tithe tenant without notice, at the mercy of his successor. To the new incumbent also the evil was not less; it imposed upon a stranger, perhaps unaccustomed to business of the kind, to ascertain, immediately on his induction, the value of his living, either to agree to lease a property of which he knew not the value, or to embark in all the evils of a collection of tithe through the medium of a subordinate agent. Now this bill, by making the lease certain for twenty-one years, and binding for so long on the successor to the living, would give a fixed security, and place both parties upon an equal footing. In enacting such a bill, care should be taken to prevent any abuses to which it might give rise, by unfair valuation. To prevent this, he would propose that the tithe should be leased without fine, at a fair valuation, and subject to the approbation of the ordinary and patron. To remedy the other evil, the bill would allow the incumbent to enter into a lease for tithes with a person having a freehold interest, or a reversionary interest, in the land, who would thus have the means of paying himself the sum which he might agree to pay for tithes.—The question would here naturally occur, whether the plan he had proposed would be likely to be effectual for the end in view? Upon this point he had the satisfaction to state, that he did not rest his hopes of its success on argument or speculation. The advantages of the plan might be proved by what had been already done on similar principles in more imperfect operation. From all the inquiries he had made on the subject in most of the dioceses in Ireland, he had learned this—that in every one in which a composition had been entered into for the tithes, there had been such an improvement in the condition as well of the people as of the clergy, as was evident to any one capable of forming an opinion on the subject, while precisely the reverse was observable in those dioceses where a similar practice of composition was excluded. In other places in Ireland, agreements had been entered into between the incumbent and the better class of parishioners, by which a certain sum was to be paid, the parishioners undertaking to collect it. In all such places, though the plan was not yet sanctioned by the law, he had learned that the utmost tranquillity prevailed; which gave him the happiest anticipation of the results of what he now proposed. If he had now shown, that the necessity and convenience of such a measure had been proved by its voluntary adoption in so many instances, there could be no doubt its general extension by law would be most willingly received throughout the country. The clergy would, he was satisfied, be anxious to avail themselves of arrangements which would enable them more effectually to discharge the sacred duties of their office; and he would not pay so ill a compliment to the patriotism of the country gentlemen of Ireland, as to suppose they would be hostile to a measure which would get rid of so many evils. There would, he was persuaded, be a corresponding disposition on each side to meet and obviate the difficulties of the present system.—One great objection which he supposed would be urged against this plan would be, that it would materially interfere with any future measure for a general commutation of tithes. Now, he denied that it would have any such effect: so far from being an obstacle to, it would greatly facilitate such a measure. He apprehended it would not be denied by those who had considered the question of tithe commutation, that one of the greatest obstacles opposed to it was, the extreme difficulty of ascertaining the emoluments of the clergy, with the view of seeing what would be the fair amount to be given in lieu of their tithes: but, if the present measure were adopted, that obstacle would be mainly removed, because a good ground would be established for forming a correct opinion as to the value of the tithe. That this measure was calculated to facilitate a general commutation, was admitted by an hon. baronet (sir H Parnell), who, when he introduced his plan for the leasing of tithes, urged as an argument in its favour, that it would render the principle of commutation much more easy at a future period. He (Mr. G.) would now say the same of his measure. With respect to the general question of commutation of tithes in Ireland, it was, at present, as it had been for some time past, under the consideration of the government in that country. They were, at the present moment, giving their most serious attention, for the purpose of ascer-

taining how far the impediments against that measure might be removed, and how its adoption might be consistent with justice to all parties. If the result of that consideration should be, that it would not be convenient or proper to adopt the measure, he would be ready to state the grounds on which such a decision rested. If the measure should appear to be practicable, he should be most happy, at a future period, to submit a measure of commutation to the consideration of the House; but at all times he would be ready to listen to the plan of any gentleman on this subject, not with the view of opposing it, but with the best disposition to ascertain how far its adoption might be calculated to remove the evils of the tithe system in Ireland; and he could assure the House that he would at all times lend his best assistance in support of any measure calculated to produce so great a benefit to the country. [Hear, hear!] In conclusion, he expressed a confident hope, that the measure he was now about to introduce would be productive of immediate benefit, and that it could not interfere with any future more general remedy; and under these circumstances he earnestly recommended its adoption to the House. He then moved, "That leave be given to bring in a bill to enable ecclesiastical and other persons in Ireland to grant Leases of Tithes so as to bind their successors."

Sir *H. Parnell* said, he was happy to observe, that the government had at length taken the important question of Irish tithes into their consideration. Such a step ought to have been taken years back. That it had not, was not his fault; for at a very early period after he had the honour of a seat in that House, he had called the attention of parliament to it. The measure had made some progress by the liberal manner in which the right hon. gentleman had that night introduced it into the House; but the evil was so great as to require the application of a more general remedy than the one proposed. The chief evil of the system was not to be found in the amount of tithes received by the clergy, for he believed that the clergy in general acted with great generosity and humanity, but in the manner in which those tithes were too frequently collected. There was a wide difference between the tithes which a clergyman could take by law, and those which he took by custom; indeed so wide, that a clergyman might disturb a whole county by putting the law into execution in opposition to the custom. The tithe system, as it existed at present, was the source of endless expense and litigation in Ireland. One principle cause of the oppressions belonging to it, arose from the uncertainty of the sum to be paid, and of the time of paying it: this placed the poor in the power of the proctors: and whenever great powers were vested by law in the hands of the lower orders, to be enforced upon paupers, every species of fraud and oppression was sure to be the consequence. He did not wish to make the case worse than it really was, by entering into particular instances of abuse. There was one instance, however, which he could not help noticing. Tithe was claimed of a man to the amount of 11*s.* 4½*d.* for the year 1816, and of 7*s.* 6*d.* for the year 1817. The collector of tithes took out process in the Exchequer to recover it, and the man was in consequence compelled to pay 8*l.* 8*s.* 10*d.*, though he offered no defence whatsoever. He begged the House to recollect, that the abuse which he had pointed out in this case was likely to extend through the whole of Ireland. After stating that the Catholics, who suffered most by this system, complained least of it, the hon. baronet proceeded to defend the landlords of Ireland from the charges which his right hon. friend, the member for the University of Dublin, had recently brought against them. His right hon. friend had stated, that the landlords extorted so much in the way of rent from their tenantry as to leave them nothing wherewith to pay their tithe. This was a doctrine which proved that the right hon. gentleman, had not sufficiently examined the nature of rent, and those circumstances which governed the bargains between landlord and tenant. It was utterly impossible that such a system could be universal; for if the farmer had nothing left to pay tithe after paying his rent; he could have no return in the shape of profit for his labour, and no means of supporting himself and family. The business of cultivating lands could not go on, unless those who pursued it, obtained the ordinary rate of profit, which was established in the country, as the return of all labour and industry. Indeed, to make out a general charge of extortion against the landlords, it was necessary to suppose the existence of a general combination among them against their tenantry. Now such a combination could lead to

nothing else than their own ruin, as it was impossible for the landlord to stand long after his tenant had fallen. The right hon. secretary had referred to his (sir H. P.'s) bill of last year, to defend that part of the plan which enabled the incumbent to grant a lease binding his successor. Now, he was free to confess, that since he had introduced his bill, he had heard that the remedy which it proposed was not likely to be so effective as he could wish. Taking the fact into his consideration, he was bound to object to the present measure, because, if it were carried, there would be little chance of introducing with success a more general one. If such an attempt were made, the party making it would be told that the measure was already settled, and would thus be prevented from making any farther improvement in the system. The right hon. secretary had stated, that there were great difficulties in the way of a commutation of tithes, but had not pointed out from which quarter those difficulties were likely to arise. He had not shown, that the clergy were hostile to it; indeed, not one petition had been presented against such a plan from the clergy, though several had been presented in favour of it. He could state from good authority, that the clergy were strongly in favour of a commutation of tithes; and as a proof of his assertion, he read to the House three different plans for effecting it, which he had received from clergymen. He made those observations to induce the House not to agree to the bill now before it; first, because it was an inefficient measure; and secondly, because it would be a bar, if carried, to the success of a more general proposition. He therefore trusted that the right hon. secretary would not press it at present, but would take time till the next session to consider whether some better measure might not be devised.

Sir *J. Newport* thought it would be better to press no measure at present, rather than the one under discussion. He was convinced, that if the parochial clergy of Ireland could be polled without their names being disclosed to their episcopal superiors, four-fifths of them would be in favour of a commutation. Such a commutation had been promised at the time of the Union; and it remained for those who had made the promise to show why it had not been carried into effect. Out of eleven or twelve counties in which the tithe on potatoes was levied, there was hardly one without insurrection and disturbance. Where those exactions were not attempted, comparative tranquillity prevailed. The mode of exacting this tithe was also nefarious and unjust, and made most improperly dependent upon an arbitrary rate of price in the markets. For all these evils he knew but one remedy—commutation; and he did not see what was to impede a valuation under the act of Charles 2nd., by valuators appointed by the privy council, as in the case of ministers' money in towns? It was the duty of government to apply a remedy to the evil. The present measure only put off that evil day which ultimately must be met. There was nothing remedial in this bill, and sooner than press the matter now, he had rather the Irish government should refrain until next session from introducing a legislative measure upon this subject.

Mr. *Plunkett* said, it would not be fair dealing with the government, called on as they had been to introduce a remedial measure, to interpose at the outset, before its details could be known. He denied that this bill would stand in the way of an ulterior measure founded upon the general principle of commutation. On the contrary, it would facilitate it, by establishing a nearer principle of valuation. For his own part, he could not see his way through the principle of commutation. On what principle would they commute? Would they give the clergy what was called a fair and liberal remuneration, or would they elect an arbitrary standard? The difficulty was, how to touch the property of the church without affecting the rights of property of every other description. Suppose they were to take the broad ground of right in their scale of estimate—then they must practically levy a larger sum than the clergy collected; for the actual receipts were nearer 1-20th than 1-10th. But the great difficulty in the way of commutation was, to draw a distinction between church and other property. If they opened the chapter of the church, they would be next called upon to open the chapter of the landlord. He must, from his own professional experience, deny that tithes were the cause of local disturbances in Ireland, unless so far as tithes were an ingredient in property; for it was against property that the insubordination was directed, and against that alone. His right hon. friend attributed the disturb-

ances in the southern districts to the collection of the tithes on potatoes. Now the disturbances in 1820 commenced in the counties of Galway, Roscommon, Sligo, and Mayo, where no tithe on potatoes had ever been levied. The great mistake was, in imputing every thing to tithes, which were in fact only a co-existing ingredient. The real fact was, that in the price of the land upon the tenant, the latter had to pay three times the proportion in the shape of rent, which the clergyman would have exacted in tithes. Where the clergyman would have been satisfied with 3*s.* an acre in tithes, the landlord, where the land was tithe-free, levied 12*s.* for rent. As to the parochial clergy, he must always defend their characters from the unjust imputations cast upon them; and no authority—not even their own approbation, should ever induce him to consent to compromise the rights of the church.

Mr. *Spring Rice* said, that from the speech of the right hon. and learned gentleman, it was quite clear that all hopes of a commutation were at an end. If a fair and equal system of commutation were adopted, he would venture to stake the whole success of the measure on the approbation of the parochial clergy; but a proposition like that now brought forward would be totally ineffective. Would the right hon. and learned gentleman accede to a commission emanating from the Crown, the object of which should be, to inquire into the practicability of commuting tithes, and which should be instructed to lay the information it might collect before that House? More good might be expected from such a commission; for while Irish members, session after session, were talking about what was proper to be done, nothing was effected. As to this commission, however, the House must call for it, or, he was afraid, it would never be constituted. It would be necessary that some gentle violence should be used with ministers on the occasion; but, anticipating the happiest results from it, he was most anxious to see it carried into execution.

Mr. *Dennis Browne* declared, that from the time when he was quite a boy—for the last 50 years, the tithes and their collection had disturbed the peace of Ireland. The peace of his country never could be secure whilst such a system continued. He was in favour of a commutation but he would vote for the present measure, because he thought that it laid a foundation for the commutation desired.

Mr. *Dawson* said, he should certainly support the motion. But he must be allowed to argue this question as one of property. No body of men had so clear a title, perhaps, to their property, as the clergy possessed to tithes. It was a right so ancient, as to be, perhaps, anterior in its origin to any now existing. He would briefly consider the effect of rent and tithes as operative in producing the present distress. The rent generally bore more severely on the peasantry than tithes. In Ulster, the tithes were extremely moderate, and compositions were generally admitted. The law of agistment was there unknown, and that law he considered as one of the prominent causes of discontent. In Connaught, the people were free from the tithe on potatoes, but the law of agistment was in full operation. Still, however, little dissatisfaction prevailed. The rich man was contented, because his pasture paid no tithe; and the poor man experienced comparative content, because his food was also exempted from the operation of the tithe system. In this province compositions were scarcely ever entered into, except when a rich grazier wished to convert a part of his pasture into arable land. In Leinster no potatoe tithe was demanded; and it was worthy of observation, that those counties were the most disturbed in which that tithe was paid. Munster was the great source of all the complaints made against tithes; and it appeared to him, that the law of agistment there was the real cause of the evil. It was not the rapacity of the clergy which produced such disastrous consequences. They hardly received the 1-20th part of what they had a right to claim; and ample time was allowed for payment. It would be asked, if tithes were so moderate, and the clergy so forbearing, why was this general outcry raised against them? The reason was this —the population of Ireland consisted of Catholics, Presbyterians, and Protestants. The members of the Protestant church formed a comparatively small portion of the community. But in their hands all power was placed, and they constituted the landed proprietors of the country. If they found their rents not regularly paid, they were sometimes apt to attribute the circumstance to the tithe system. So that religious, political, and self-interested feelings produced this outcry.

Nothing, however, should induce him to agree to any proposition that tended to deprive the clergy of their rights.

Mr. *O'Grady* viewed the tithe system as the great cause of the disturbed state of Ireland. The bill would not do all that he wished, but it would do something. He would not support any kind of commutation that would put in the pockets of the clergy of Ireland more than they had at present; which, in fact, was already too much. The tithe system operated as a heavy tax on food and labour, and tended to discourage the cultivation of waste lands. Waste and barren lands were exempted from the operation of the tithe system, which was a sort of premium for keeping them in that useless state. The hon. gentleman then proceeded to point out the hardships which the farmer suffered under the existing regulations for enforcing the payment of tithe. If he gave his note, and failed to pay it, a decree was had against him; then a monition, which took him into the Assistant Barrister's Court; and ultimately he had an appeal to the Judge. These vexatious proceedings weighed him down by their expense. There was, however, a summary mode of recovering tithe to the amount of 5*l.* In that case the farmer was summoned before a magistrate, who decided on his case. The clergyman himself, though a magistrate, could not act in such a case; but his brother magistrate, who was sometimes invited for the purpose, heard the cause. The consequence was, that the magistrate could not shield himself from the suspicion of such an acute and distrustful people as the Irish were;—and the effect was, to bring the administration of justice into disrepute. Besides, the magistrate was frequently unable to attend; and the farmer, having appeared to answer to the summons repeatedly, disgusted and irritated by the delay, neglected to attend when the magistrate was in readiness. When that happened, the case was decided behind his back; and he was punished as if he had been contumacious. Was it surprising that this should have an effect on the education of his children? What was education, but inculcation? And what would he instil into the minds of his children, but hatred and hostility to the law of the land. The potatoe tithe was most oppressive. There was scarcely a county where the potatoe tithe was demanded to which a special commission had not been sent for the trial of offences. He wished the English law, relating to the tithe on flax, to be extended to Ireland. It was remarkable that in that country the progress of discontent and cultivation had been the same. They had proceeded *pari passu*, and in proportion as she exported she became dissatisfied. The tithe system had mainly contributed to this effect; and if it could not be abolished, something ought to be done without delay to ameliorate it.

The Marquis of *Londonderry* said, that while the question was under the consideration of ministers, he should be sorry to see gentlemen enter into any discussion which would have the effect of pledging them to one particular line of proceeding to the exclusion of every other. For himself he was sincerely anxious to adopt such a course as would produce permanent relief to Ireland. It had been said, that in Catholic countries the tithes had been totally abolished. He should be sorry that this should operate in any other way than as a caution against those dangerous and revolutionary doctrines, the yielding to which had produced such devastation in the world. This bill would produce many good effects, and, among others, that of removing the middle-man in the tithe system. His right hon. friend, in bringing it forward had shown that he looked at the question with the enlarged views of a statesman, anxious to preserve the estates of the church on the one hand, while he secured the property and happiness of the people on the other. His right hon. friend had not stated that he was decidedly against all commutation, but had left it for future decision. He must deprecate the decisive tone in which hon. members had spoken. Some of them seemed to consider it quite as easy a matter to commute tithes and to settle the value as it was to buy or sell a quarter of wheat. He should tremble for the whole property of the country if parliament were not to sanction the principle, that the possessions of the clergy were to be touched with as much delicacy as those of any private individual. He begged it to be understood, that ministers had by no means decided against a commutation, if it could be effected on the principle of a full and fair equivalent. At present, leave was only asked to bring in a better bill than an hon. baronet had, for three sessions, been pressing upon the House.

Mr. *Hutchinson* was disposed to give leave to bring in the bill, without however pledging himself to support it, or committing himself in any way against the necessity of a commutation of tithes in Ireland. If leave were refused, ministers, in despair, might abandon the subject, or at least have a fair excuse for doing so. He begged to remind the noble marquis, that during the discussions on the Union, Mr. Pitt, besides impliedly promising emancipation, had particularly alluded to the tithe system of Ireland as a crying grievance.

Mr. *Carew* contended, that there could be no repose in Ireland until a commutation was effected.

Mr. *Daly* said, that although he should not object to the bringing in of the bill, he would oppose it in every subsequent stage. He would move next session for the appointment of a committee to inquire into the propriety of a commutation of tithes.

Sir *N. Colthurst* thought a commutation necessary, with a view to the tranquillity of Ireland, and the security of the established church. He would not consent to any commutation that did not meet with the approbation of the clergy.

Mr. *Foster* contended, that the effect of the bill would rather be to excite than to tranquillize Ireland.

Mr. *R. Martin* said, he would vote for the introduction of the bill, and he should vote for it in all its stages.

Colonel *Forde* supported the motion as a stepping-stone to a full consideration of the whole question.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Friday, June 14.

STATE OF IRELAND.] The Marquis of *Lansdown* rose, in pursuance of notice, to call their lordships' attention to the state of Ireland. In doing this he was conscious that he could not be accused of precipitation. After all that had occurred since the meeting of Parliament relative to Ireland—after the promises which had been made that the state of that country should be brought under the attention of Parliament—after the change which had been made in the government of Ireland, without producing those advantages which had been expected from it—after the period to which the present session had arrived without any thing being offered to the consideration of parliament, he should be acquitted of any thing like rashness in bringing forward the motion he was about to submit to their lordships. In the view which he would take of the situation of that country, he would avoid dwelling on those topics of distress which were the subject of complaint throughout the United Kingdom in general. He would, however, take the liberty of reminding their lordships, that such unhappily was the situation of Ireland, that all the distress arising from the change in the currency, and the depressed value of agricultural produce, had necessarily affected that country in a far greater degree than this. In this country there was a powerful manufacturing interest, which had, by its resistance, broken the weight of the agricultural distress; but Ireland being nearly altogether agricultural, had suffered from the depressed state of that interest in a much greater proportion than the other parts of the kingdom. If it were necessary, in calling their lordships attention to the state of Ireland, to show that the situation of that country was one of peculiarity, he need only refer to the statutes by which it had for a period back been governed; to the laws which had been passed with the view of preserving tranquillity within these last few years; to the laws, even, which had been enacted during the present session; to the language which had invariably been used by the proposers and supporters of those measures; and to the admissions made by the opponents of all severe laws. When it had been proposed, that in a part of the United Kingdom trial by jury should be suspended, that arbitrary power should be given to the magistrates, that the public money should be voted to find food and employment for the poor, surely he need not occupy the time of their lordships in proving that the situation of that part of the empire in which such measures had been thought necessary was peculiar. It was admitted on all hands, that trial by jury was one of the most valuable privileges of the constitution; yet, for the enjoyment of this excellent institution, Ireland, it was said, was not fit. That it was dangerous to the liberty of the subject to invest magistrates with arbitrary power was generally acknowledged; yet it was maintained, that there was something in the state of Ireland which rendered the exercise of arbitrary power indispensable. That it was

was mischievous to interfere with the regular course of supply and demand in the market was a principle no less generally recognized; but, so singular was the situation of Ireland, that this great principle of political economy must be violated. If this was true—if what produced good in all other parts of the world only produced evil in Ireland—if the cup which conveyed to others a salutary draught—no sooner touched the lips of that country, than its contents were converted to a deadly poison, was he not entitled after twenty years of union between the two countries, to call for an inquiry into the state of Ireland? To what was the condition of Ireland to be attributed? Was it because she possessed a most fertile soil? Was it because her insular situation was most favourable to commerce? Was it because she was blest with a temperate and genial climate? Was it because Providence had bestowed on her every thing calculated to ensure riches and prosperity? Unfortunately, in spite of all her national advantages, Ireland continued poor in the midst of wealth, barbarous in the midst of civilization. That constitution which was said to confer happiness on this country, was to Ireland only a source of evil. Their lordships must, then, look farther for the origin of the mischiefs: they must look for them in the institutions and system by which that country had long been governed. The object of their inquiry ought to be, to ascertain what connexion subsisted between the system of government and the state of society. In undertaking such an inquiry, it would be wrong to describe the conduct of individuals as the cause of the evil, or to throw a stigma on any particular class of persons. The state of Ireland was not to be attributed to the misconduct of the landlords, or of the clergy. These classes in Ireland consisted of men who had received the same kind of education as the like classes in England. Their conduct was, therefore, to be ascribed to the state of society, and the institutions under which they were called upon to act. In this view of the subject, their lordships must necessarily look to the general state of the population, and to the nature and effect of the burthens which that population had to bear. By a paper which he held in his hand, it appeared that the population of Ireland was estimated in 1695, at 1,034,000 souls: in 1731, at 2,010,000: in 1791 at 4,200,000: in 1811, at 5,400,000: and that in 1821, it had risen to 6,846,000. It had been calculated that whilst to the population of England the land bore the proportion of 3 1-9 acres to each individual; to that of Ireland the land bore only the proportion of 25-6 acres to each individual. It appeared also that of this population in Ireland the proportions were 1-14th of the established church, 1-14th Presbyterians, and 12-14th Catholics. It was not for the purpose of calling their lordships' attention to the great importance of this population as forming part of the physical strength of the empire that he had thus particularly noticed it; but to remove a very prevalent error, that an increase of population necessarily indicated a corresponding increase in wealth and prosperity. On the contrary, the peculiar condition of Ireland proved that there might be a state of society in which the population rapidly increased, while the true sign of wealth and prosperity, the facility with which each individual found for himself a comfortable subsistence, was considerably diminished. This was a consequence of that system of gradual degradation by which the great mass of the population had been reduced to subsist entirely on the lowest kind of human food, and that which the slightest labour could supply—he meant potatoes. The effect of this habit was, to produce an indifference to comfort, and to incline individuals of the labouring class to look forward only to a bare existence. In such a situation the peasant considered himself justified in marrying, though he had no other means of maintaining a family but the potatoes he might raise in a small garden. It was on account of the state of degradation into which the peasantry of Ireland had fallen, that scenes had been witnessed which had been so faithfully anticipated by the Poet:—

> "When scourged by famine, from the smiling land,
> The mournful peasant leads his humble band;
> And while he sinks, without one arm to save,
> The country blooms—a garden and a grave."

The increase of population was not, therefore, an index of happiness. When degraded in the manner he had described, that increase was accompanied with the most serious evils. The unfortunate state of society had given an artificial spring to the population, and along with its increase the most salutary principles of the constitution had been perverted. He would here state one of the political evils which afflicted that country, by which the right

of election, instead of being an advantage, was made an engine of degradation to the people. The circumstance to which he alluded was, the practice of letting land in common. This was carried to an extent which noble lords could hardly conceive. To enable a number of persons to vote at an election, it was usual to let a farm in common. He knew an instance of one farm for which no less than ninety persons were registered as freeholders. The farm would scarcely afford a subsistence to each individual, living in the state of degradation he had described. This, then, was a practice most likely to create a pauper population. To have so large a number of individuals as 90 registered for one farm, was, perhaps, an uncommon case; but instances of farms let to 20, 30, and 40 persons for election purposes, were very common. Whatever respect he entertained for the elective franchise, he thought there could be no objection to limit the right of voting for one farm to one individual. This narrowing of the right would not be inconsistent with the principles of the constitution, and would be of great service to the country.

He came now to a very important part of the subject; namely, the nature of the burthens which the population of Ireland had been made to bear. And here he had to point out one of the most extraordinary misapplications of the principles of taxation that had ever been made in any country —a misapplication which, while it robbed the people of their comforts, diminished the public resources. No such instance of pernicious absurdity he believed could be found in the whole history of fiscal mal-administration. The revenue of Ireland in the year 1807, amounted to 4,378,241*l*. Between that year and 1815, additional taxes had been laid to the estimated amount of 3,376,000*l*. From these were to be deducted 400,000*l*. remitted at the end of the last war. Now, the whole revenue of Ireland in 1821, was 3,844,889*l*.; so that the effect of adding three millions of taxes had been, to produce a revenue less by several hundred thousand pounds than that of 1807. Thus while the poor were deprived of their comforts, less was extracted from them, and the revenue of the country was diminished. If there were any articles which might be regarded as the luxuries of the poor, they were those of tea and sugar. They were articles of consumption first resorted to beyond the mere necessaries of life, and announced the first approach to ease and comfort. The increased duty on sugar had produced a small augmentation of revenue: for whereas the produce of the duty was only 379,000*l*. in 1807, it had been 404,000*l*. on an average of the last five years. But the consumption of the article itself had diminished from 338,000 to 267,000. cwts. In the article of tea the revenue itself had diminished since the duty had been raised. The average produce of the Irish duty on tea, between 1807 and 1809, had been 527,603*l*., whilst in 1819 and 1820, it had been only 451,300*l*. These were really taxes on civilization. He remembered to have heard it observed by an attorney-general for Ireland, that every additional house which was built in that country was a pledge of security and attachment for England. He wished their lordships to apply this principle to all other comforts. Every thing which tended to urge men to extend their ideas, to habituate them to the enjoyments connected with social ties, had the certain effect of insuring tranquillity. He should, however, be taking a very imperfect view of the subject, were he to limit his condemnation of the imprudent increase of public burthens to its effect in diminishing comfort. Their lordships must not fail to look also at its influence on morality. He had now before him a statement, which would show the effects of the increased duties on distillation in Ireland. Such was the state of the revenue laws, that the contraband distiller, upon the outlay of 9*l*. could realize 27*l*. Such was the extent of the temptation to the violation of the laws, that every illicit still became a school for resistance to the government—a nucleus round which the spirit of disaffection gathered. Thus was a bounty held out to the peasant for violating the law, and the prisons of the country filled with persons to be educated for still greater offences. In the course of the last six years, 5,350 persons had been committed for offences connected with illicit distillation; and out of that number 3,963 had been convicted. When their lordships considered the imperfect condition and discipline of the Irish prisons, they would be able to form some estimate of the addition which these commitments on account of illicit distillation were likely to make to the general mass of crime in that country. The man who was driven into prison for a comparatively slight offence, would most probably come out a hardened depredator.

He came now to the administration of justice in Ireland. But, before he entered on that important subject, he wished to refer their lordships to a character given of the population of Ireland in the excellent work of sir John Davis. "There is no nation under the sun," said that able writer, "that does love equal and indifferent justice better than the Irish, or will rest more satisfied with its decisions, although against themselves, provided they have the protection of the laws when they do deserve it." Now, if with such a disposition to obey and respect the laws there unfortunately existed at the present period so great an hostility to the execution of them, the fact imposed upon their lordships the necessity of inquiring how far the administration of those laws was calculated to create that hostility. In making a few observations on that system of administration, he would say nothing of the practice of the courts, nor throw any reflection on the conduct of the judges. He would confine himself to the state of the magistracy, which was forced upon their lordships' attention by recent circumstances. Most of those who had attended to the state of Ireland, admitted that defects existed in the system of the magistracy, and that, from the class of persons sometimes put in the commission of the peace, and their conduct while in office, it required revision. Instead of being men of education, rank, or property, instances had occurred, in which persons were nominated to the magistracy who had no respectability in society, and who, independent of their office, did not even possess the means of subsistence. Though, as a body, they included men of high rank and consideration, yet it could not be denied, that many unworthy individuals were mixed up with them. He could speak on this subject with some degree of certainty. He had been applied to, not many weeks ago, for a loan of money by a person who called himself an Irish magistrate's son. This person turned out to be an impostor. It was true, that he was a magistrate's son; but that magistrate was himself a bankrupt. He mentioned this case because it showed what sort of persons were put into the commission in Ireland. The state of the magistracy, therefore, required speedy and effectual revision. But it was not to the selection of them as regulated by fortune, education, or respectability, that attention should exclusively be paid. He did not mean to enter at present into any observations on the policy of a farther admission of the Catholics into the enjoyment of the benefits of the constitution: that question would shortly be brought forward by abler hands; but, he might state, as a point in which all were agreed, that the existing laws should be impartially administered, and that the concessions already made to the Catholics should be enjoyed to their full extent. Catholics were admitted, by the existing laws, to a share in the magistracy. Now, he would ask, why the number of Catholic magistrates did not bear the same proportion to the Catholic property of Ireland as the Protestant magistrates to the Protestant property? Why, in some counties, where persons of the Catholic persuasion were qualified, were there no Catholic magistrates? Why, especially, were they not called to serve on grand juries where assessments were laid on Catholic property? By not being so admitted, a suspicion could not fail to be infused into the minds of the lower classes, that impartial justice was not dealt out to them—a suspicion than which nothing could be more fatal to contentment and tranquillity. If it were necessary to bring any authority in support of this sentiment, he might appeal to the opinion of one of the greatest and wisest of men. He meant lord Bacon. That great man concluded his instructions to sir John Osborn, who was setting out on an important mission, with the following remarkable words:—"My last advice is, that you attend to impartiality in religious matters, lest Ireland civil become more dangerous to us than Ireland savage!" So important did lord Bacon consider it to keep down religious animosities by an equal administration of the laws.—But though this partiality in respect to the appointment of magistrates, was calculated to excite suspicion among the lower orders, there was another obstruction to the due execution of the laws, not less important—he meant the immense taxation on law proceedings, which shut out from the protection of the law two-thirds of the population of the country. He did not now allude to that system of spoliation and injustice which was practised on the suitors of the courts under the name of fees, and which had happily been exposed and put an end to, but to that obstruction of justice, which the state had to answer for by imposing heavy stamp duties. Since the Union the stamp duties on legal pro-

ceedings had increased three-fold. To a rich country like England, this system was injurious and oppressive; but, when applied to a poor country, like Ireland, it amounted almost to a denial of justice. The consequence was, that while the stamp duties were increased in nominal amount, the revenue arising from them was reduced. This did not proceed from an abatement of the spirit of litigation, nor from any diminution of the necessity of claiming disputed rights by legal process, but from an absolute inability to pay for justice, under the heavy duties imposed upon legal proceedings. As an illustration of this statement, he might refer to the singular ingenuity with which the lower classes in the west of Ireland contrived to obtain a legal decision on disputed claims, without giving the revenue the benefit of their litigation—a mode of proceeding which, adopted under the circumstances, confirmed the opinion expressed by sir J. Davis, of the disposition of the people to rely upon the award of law. In the west part of Ireland, when two parties, as was often the case, disputed upon a piece of ground, their singular mode of settling the claim was, to create a riot, to appear on the field, and fight it out. Afterwards each indicted the other before the magistrate, and the person to whom the assistant barrister awarded damages rested in the possession of the land—with a broken head into the bargain. The decrease of the amount of law proceedings, taken in connexion with the increase of the stamp duties, sufficiently proved that taxation among the lower classes in Ireland had become a bar to justice. Another subject connected with magistracy and the administration of law in the country, deserved some notice; he alluded to absenteeship. He was free to confess, that he did not rate so high as some others, its effect on the wealth and resources of the country. In a moral point of view, however, it was to be viewed with regret. But in this, government could do much. Inducements should be held out to reside in the country, by diminishing taxation, facilitating the means of education, and giving to those who remain the full protection of law and government. If honours were to be conferred, they should be bestowed on those who resided in the country, and performed the duties which their situation in society required.

He now came to that impost which had existed so long under the name of tithes. The Irish population, burthened with taxation, enjoying so imperfect an administration of justice, and suffering from the absence of the proprietors of the soil, were also subject to an impost most vexatious in its principle, most repugnant to the persons who paid it, least consonant with the interests of those by whom it was received, enforced by laws more revolting than the impost itself, and forming a burthen which pressed more heavily in proportion as the distress of the times was greater. Cases had arisen in which persons had been obliged to pay tithes, although they had derived no profit from the produce of their farms. Before he proceeded farther he wished to guard against being thought to throw any imputation on the body of the church. He did not complain of the church in Ireland, but of the situation in which the clergy were placed, and of the powers with which they were armed, whether necessary or not. He did not wish to see them forced into a situation in which their sacred office was calculated to irritate the people; and, whilst he professed the highest respect for the church of Ireland, he must say, that he considered that church as intended for the benefit of Ireland, and not Ireland for the benefit of that church. The conduct of most of the members of that church was entitled to the highest praise. He knew of clergymen who had renounced their vested rights for the present year. In many instances, in the county of Cork, they had declared that they would not receive any tithes from flax. This conduct was most exemplary, but it was unjust towards themselves; and he would not have them so situated as to be reduced to the necessity of depriving themselves of their just rights, whilst litigious clergymen were able to extort the full amount from the poor. It appeared from the returns laid before the other House, that, during the last six years, there had been tried before the ecclesiastical courts in Ireland, 2,178 tithe causes; and in the civil courts in six counties 7,149. In the county of Kerry alone, the number of tithe causes had amounted to 2,195. Assuming the same proportion to have taken place in the counties from which no returns had yet been received, the number for all Ireland in the period of six years, and exclusive of those tried in the ecclesiastical courts, must have amounted to 17,327. Their lordships would also recollect, that by a recent act of parliament,

all cases for the recovery of tithe, under the sum of 5*l.* might be brought before, and decided by a magistrate. Trials under that act, in some instances, amounted to not less than 100 a week. He had heard from a highly respectable magistrate, that on the average of 100 cases, the sum in question varied from 4*d.* to 5*s.* whilst the lowest costs amounted to 3*s.* He would shortly state the mode in which the tithe was collected. It was the custom in Ireland to send out, at a very early period of the year, two valuators on the part of the clergyman, to estimate the amount of the tithe. These persons made the valuation behind the back of the peasant or the occupier. No communication was made to him for months after. He therefore remained ignorant of the demand to be made upon him. It might be made at an early season, when the produce of the land coming into the market for the first time, carried a high price, or it might be made several months after, when the crop was found insufficient, and the price, of course, became greatly enhanced. In either case, the unfortunate peasant was at the mercy of his oppressors. Some of their lordships were, perhaps, happily ignorant of an act of parliament, which stood upon the Statute-book; and which stated, in express words, that if any three farmers in the same parish should set out their tithes on the same day, such an act should be deemed a conspiracy. He did not say that this law was often executed, but this he would say; that if not executed it was unnecessary, and that if necessary, that system must be detestable which was supported by so iniquitous and tyrannical an enactment. He might remind their lordships, that in a country like some parts of Ireland, where the animosities between the clergy and the people ran high, it was not improbable that it might sometimes be put in force. Though the clergy in general were too liberal, and loved justice too much, to avail themselves of the oppressive power placed at their disposal. In a climate so variable as Ireland, it might happen that not only three, but a considerable portion of the parish might be obliged to give notice on the same day. Evil consequences might, therefore, arise, if the clergyman and his parish were in a previous state of hostility. Another objection to the system was, that it was most unequally raised, in some instances potatoes were charged with tithes; in others they were free. It was therefore impossible to say when the peasant might be called upon for them. He was left in a state of uncertainty, with respect to a tax on an article raised, not for speculation or enterprise, but for the very existence of his family.

Having said thus much on the evils of the present system, he would state that a commutation, to which he could see no objection, would in his opinion be the best cure. He was sure that he should not, in making this proposition, have to encounter, either from their lordships, or from any of the right rev. prelates, the doctrine that tithes were founded upon divine right, because against such an opinion he had the declaration of the church, in the time of Queen Elizabeth, that to say that—tithes were of divine right, was one of the greatest errors into which the church of Rome had fallen. But while he maintained this opinion, he would allow that they were entitled to the same protection, and if dealt with, should be as guardedly touched as any other species of property, not only for the sake of the church itself, but for the advantage of the country. Before he could recommend a commutation, therefore, he should be obliged to show, that by it the interests of the church would not be deteriorated. He would keep in view three points. First, he would not recommend any principle of commutation, which, as a lay impropriator, he would not himself gladly accept. Secondly, he would not do any thing which would not leave the church in the same relative state of wealth and respectability which it now enjoyed. Thirdly, he would adopt no plan by which the church would be rendered more dependent on the state than it was at present; and he could assure the right rev. prelates, that if they could devise any measure which could by possibility make it less dependent on the government, he would, in charity to the church, most willingly adopt it. Having thus guarded himself from any suspicion of trenching upon the interests of the church, he would suggest, whether means might not be devised similar to those employed in Scotland, by a sworn jury fixing the price of grain, not for one year, but for five or six years, and thus levying the tithe upon the landlord, and not upon the tenant. With regard to Ireland, he should think it an improvement if the money which was the price of the tithe, and not

the corn, were given to the clergy by the proprietor instead of the occupier of the land. The clergy would then come in contact, not with the Catholic population, but with the Protestant landlords, who might be enabled, by raising money equivalent to the value of the tithe, to buy land and settle it on the church, relieving themselves from all future burthens. He recommended this, not as what he would wish to see carried into effect in England, for he thought nothing could be more objectionable than to render the clergyman a landed proprietor; but he stated it as applicable to the church of Ireland, and as in principle not unknown to the law of England. This species of commutation had been established in the parish of Clifton, where, in the division of a common, there was not only set aside a portion of it for the clergyman in lieu of tithes, but where the sum of 9,000*l.* had been raised by the landed proprietors to buy land in lieu of the existing tithe, and thus exonerate for ever their own estates from that burthen. A bill to this effect had passed the legislature, and had met with no opposition from the right rev. prelates. Though he would object to the general adoption of such a plan in England, there were peculiar circumstances in the state of Ireland which rendered it advisable. The clergy in many parts of that country were looked upon rather as magistrates than as clergymen, and were engaged rather in executing civil than religious duties. These duties they would be able to perform with more respectability, if they were looked upon as landed proprietors, instead of individuals who depended on the levying of tithes for their support from a hostile population. There was another burthen to which he would allude, and which was not the least odious; he meant the tax levied upon the Catholic peasantry, for repairing and rebuilding Protestant churches. It had been stated, that a new valuation of the first-fruits was about to be made. From the best information, he was inclined to believe, that if such a valuation were completed, the result would be, that the funds would be found quite sufficient for the repairing of churches, without placing that odious burthen upon the shoulders of the Catholic peasant. It was a curious fact, that the amount of the first fruits at the present day was smaller than when it was established in the reign of queen Anne. Their lordships, he was convinced, were anxious, if possible, to correct the frightful abuses which it was his painful duty to allude to. If they had any doubt of the existence of those abuses—if they had any doubt of the causes of those evils—he would entreat of them to transport themselves in imagination from the metropolis of this wealthy country, to some remote and desolated parish of that unfortunate land to which he had directed their attention. They would find, that gentlemen who were anxious to reside there, were driven by the distractions of the times, to seek an asylum in another country; while others were deprived, their ordinary means being removed, of those sources of legitimate influence, the exercise of which would be most valuable to those around them. They would see the population, bereaved of their natural protectors, deriving a precarious subsistence, and paying rent, not by the exertion of honest industry, but by a systematic violation of the laws. They would find, a population cut off from the fair administration of justice, and deprived of the right, when accused, of going before a jury of the country. He would show them a population deprived of the fostering superintendance of an upright and impartial magistracy, and suffering under the grinding oppression of the tithe system; and then he would ask their lordships whether, in a state of society so degraded, and almost realizing the words of lord Bacon, "that Ireland civilized, would be more dangerous than Ireland savage," they could oppose the proposition he had to make for the removal of those manifest evils? He hoped the expectation so justly raised last year by the royal visit to that country would be realized; and that the bright splendour of that happy day when his majesty's foot first touched the soil of Ireland would not be lost in a succeeding period of gloom. All minor interests would, he hoped, be sacrificed to the public good, and such wise and persevering efforts be made, as would effectually remedy the evils which afflicted that part of the empire. He would conclude with moving, "That it is the opinion of this House, that the State of Ireland requires the immediate attention of Parliament, with a view to improve the condition of the people, and more effectually to secure its permanent tranquillity."

The Earl of *Liverpool* said, he felt the full force of all that had fallen from the

noble marquis; and he must in the outset admit, that a subject of greater importance could not be brought under the consideration of the House. The interest he felt in it was augmented by the fair, candid, and temperate manner in which it had been introduced by the noble marquis; and in discussing the several topics to which the noble marquis had called their attention, he should do so without any disposition, either to introduce extraneous matter, or to aggravate any of those evils in the state of Ireland, or of any other part of the empire, the existence of which they must all admit. In looking at the question, he would adhere closely to the points noticed by the noble marquis; and if he felt any peculiar objection to voting for this resolution, it was, because, under the peculiar circumstances which now existed, he could not see any powerful necessity for its adoption. He felt, that it would imply a censure on the government, and especially on the noble lord at the head of the government of Ireland, whose duty it was, to devise measures for restoring the tranquillity of that country. It was necessary, in considering this subject, to look, in the first instance, to the real state of Ireland; before they applied the remedy, they ought to endeavour to find out the cause of the evil. It was, in his opinion, owing to the source of the evil having been mistaken, that an effectual remedy had not yet been applied. The real question had not been considered. And why? Because it was always the interest of faction—(he certainly did not apply the observation to any thing that had fallen from the noble marquis)—to give a direction to grievances, entirely different from that which actually caused them—to represent evils as growing out of the measures of government—to trace disturbance and discontent to the conduct of this or that administration. Now, instead of adopting that principle, they ought, in considering the state of a country labouring under such difficulties as Ireland confessedly did, to proceed to the origin of those difficulties. In considering the state of Ireland, or of any other country, there was always a distinction to be borne in mind—first, whether the evils of the state arose out of the situation in which the governors stood to the governed; or, secondly, whether they grew out of the relative state in which the great body of the people, those who laboured for their daily subsistence, stood to those who possessed property? On those principles did the situation of every state in the history of the world, from the beginning of time to the present day, depend. If they looked to ancient times—to those studies which employed their youth, where the contest was about liberty—whether it was between patricians or plebeians, what was the state of the great body of the people? It was that of interminable slavery. If they looked to modern states—to the United States of America, for instance, where the theory of liberty was carried to a degree never before known in the world, it would be found, that in several of the provinces, the great mass of the labouring population was in a state of absolute slavery; and they would find this principle applying, in a greater or less degree, to many countries in Europe, whether it was slavery or bondage to the land, as in the case of *serfs*, or was recognized under some other form. It might exist under a free as well as under an absolute government, though, in one sense, it might not form a part of the constitution of the state. But the fact showed, that, in considering the state of a country, one question should be particularly inquired into; namely, "What is the relation of those who labour to those who have property; and what is the relation between those who govern, and those who are governed?" He did not mean to say, that this was directly applicable to the case of Ireland, but he stated it as illustrative of the principle he had laid down; and in this particular view, he would undertake to show, if the case of Ireland were considered fairly, that nine-tenths of the evils which afflicted Ireland were not to be ascribed to the measures directed by government, but to the state of society in that country, and the relation of those who laboured, to those who possessed property. He could adduce the whole history of Ireland in support of this position. With the exception of the year 1798, when a conspiracy was set on foot to mature a rebellion, and a French force landed in Ireland for the purpose of overturning the government—all the insurrections in Ireland had been directed against the property, not against the government of the country. What occurred last year might be adduced in proof of this assertion. The noble marquis had alluded to his majesty's visit to Ireland. Their lordships knew the enthusiasm with which

his majesty had been received; they were acquainted with the feelings to which his visit gave rise; and yet it was notorious, that the king had scarcely quitted the country before those dreadful disturbances began. He had alluded, on a former occasion, to a letter, the contents of which he was sure, could not be contradicted, in which the writer said, "that if his majesty landed that moment at Limerick (the head-quarters of insurrection), he would be received with the same enthusiasm as had been manifested in Dublin." If their lordships looked at the different proclamations, hand-bills, notices, which had been sent forth in the disturbed parts of Ireland, though they would sometimes find religious difference mentioned (and that in a slight degree), they would hardly perceive any notice taken of the government. This fortified his argument, that it was an insurrection against property, and not against the government of the country. He stated this, because it was necessary to a due consideration of the state of Ireland, and not as matter of gratification; because, if the disturbances were caused by any evils occasioned by the measures of government, it would be much more easy to arrive at, and correct the cause, than to devise a remedy for mischiefs, the source of which was so difficult of approach. If they looked to the constitution of this country, and the manner in which it was enjoyed in the three portions of the empire, they would find that Ireland had her full share of its benefits. In point of prosperity, Scotland was superior to Ireland. Yet, with respect to the popular part of a government, Scotland possessed it in the least, and Ireland in the highest degree. Scotland possessed very little of what could be called popular representation. Now, what was the state of Ireland in that respect? The situation of Ireland as to popular representation very far exceeded that of England. A noble lord of high connexions and great ability, had in another place, brought under consideration a plan for a reform of the representation. That measure, he was glad to say, had not proved successful; but if that noble lord had succeeded in attaining his object, even under this new plan, the popular representation of England would not have been so great as the popular representation of Ireland was at the present moment. Out of 100 members that represented Ireland, 64 were returned by counties. They were elected on a principle very nearly approaching to that of universal suffrage; and with respect to the remainder, a very large portion were elected for populous places. Not less than between 80 and 90 of those 100 members were returned, in the strictest sense of the word, by popular election. So that not only had Ireland, in that respect nothing to complain of, but she had as extensive a system of popular representation, as the most ardent reformer could desire. With respect to the laws, Ireland enjoyed what Scotland did not enjoy—at least in its fullest extent. Ireland enjoyed the trial by jury, to the same extent that England did. She had the advantage of able and independent judges; and the correct way in which justice was administered there, might be inferred from the very small number of appeals from that country which were introduced to their lordships' notice. Whether, then, he looked to the general state of the law of the country—whether he looked at what appeared to be the feelings of the people of Ireland—he had a right to contend, that it was not hostility to the British government, that it was not a desire of reform in parliament, that it was not a wish for those changes, which, in moments of distress, they saw agitating large bodies of men in this country, that actuated the people of Ireland, and produced the evils which they all deplored. No. Those evils arose from the internal state of society in Ireland, and the relation in which the great body of the people stood with respect to that portion who possessed property.—The noble marquis had attributed much of the misery of Ireland to the taxation imposed on it, and to the mode adopted for the collection of the revenue. On this part of the subject, he desired the attention of their lordships to a few facts, and he called on them not to forget what the noble marquis had himself admitted, as to the fertility of the soil of Ireland, and the solid wealth of that country. When they considered, that England, with a population of fourteen millions, paid annually 50,000,000*l.* of taxes, and that Ireland did not pay more than 4,000,000*l.* of taxes, could it be fairly asserted, that the burthen imposed on the sister-country was excessive or intolerable? The noble marquis had alluded to the diminution of the revenue in Ireland since the war. He admitted the fact; because he admitted that Ire-

land had suffered from the excessive diminution of expenditure, in consequence of the peace. The south of Ireland had suffered greatly. During the war, an immense supply for our navy, and for the colonies, was drawn from that quarter. The cause of the failure of the revenue was plain and simple. It arose from the reduction of the expenditure, consequent on peace. The reduction of the expenditure had produced reduction of rents—reduction of rents operated against the demand for commodities—and thus the revenue had suffered. But, could it be said, that this country had acted unfairly towards Ireland, with respect to revenue, when it was recollected, that England had taken the debt of Ireland on her own shoulders, and that the interest of that debt was now paid out of the burthens laid on the people of this country? With respect to the laws relating to distillation, a former secretary for Ireland had repealed all the acts that were complained of, and adopted a new system. The effect of this was, such an increase of inebriety in every part of Ireland, that the re-enactment of these very laws was anxiously desired by almost the whole representation of that country, for the purpose of securing its tranquillity. It was, however, a subject of great importance, and one which had been particularly investigated by the commission which was appointed last year. It was not, he thought, desirable to meddle with the question, until something permanent could be effected; and with that view it would be necessary to wait for the report of the commissioners.—With respect to the question of absentees, it was one of very great delicacy. As to the question, whether it was the same thing for a country that such large masses of money should be drawn from it, instead of being spent in it, on that question he would not enter, because there was a paramount question which greatly transcended that of political economy—he meant the moral effect of the absentee system. There was no calculating the effect it must produce. In this country, circumstances sometimes prevented the residence of a family on a particular estate for a generation; but what must be the effect, when, from generation to generation, the tenant only knew his landlord by name?—As to the state of the magistracy in Ireland, he believed no just complaint was ever made to the lord chancellor or the lord lieutenant, of the conduct of a magistrate, which did not call forth animadversion and punishment. But where there was so much party and faction—where magistrates were liable, from various causes, to so much misrepresentation—it required the exercise of great prudence and caution, before the strong measure of striking men out of the commission of the peace was resorted to. The noble marquis had stated, that in the administration of justice, a distinction was made between Catholics and Protestants. As far as he (lord L.) was acquainted with the state of the country, he believed that no distinction, disadvantageous to the Catholics, was ever made; and he was sure, if such a circumstance were proved, the offending party would be severely punished. The noble marquis had forgotten to state, that within a very few years, measures had been taken, to place the shrievalty in Ireland on the same footing as in England. He had also forgotten to mention, that measures had been taken, for reforming the whole system of grand juries in Ireland. Every desire existed on the part of government, to assimilate the law of Ireland to that of England. Let them look to Scotland before the abolition of heritable jurisdictions, and say, whether her condition was not more unfortunate than that of Ireland now was. If the measures now in progress for the relief of Ireland were aided and assisted by the nobility and gentry in that country, he could not suppose but that they would effect a progressive improvement in the situation of the people.—He now came to the important question of tithes: and in arguing this question there was one point from which he and the noble marquis must start together. He would not touch on any divine right the clergyman had to tithes, but he would maintain that it was as sacred a right of property as any other. He would say, that the proprietor who had bought an estate, inherited an estate, or had the devise of an estate, had bought or inherited nine parts only. The tenth part was the property of the church or of the lay impropriator, as much as the nine other parts were the property of the purchaser, the inheritor, or the devisee. It stood on the same principle as every other species of property, and they had no right whatever to touch it. He had no hesitation in saying, that the resident clergy of Ireland were as valuable a set of men to Ireland as any other class. He spoke of them not merely as clergymen,

but as resident proprietors. The greater proportion were resident in their parishes, and they spent the income raised upon their flocks amongst their flocks. They did not, he believed, on the whole, receive half their dues; and it was notorious that, where the proprietor of the land paid the tithes, the peasant or farmer to whom the land was let, paid more in addition to his rent, than would have been demanded if he himself paid the tithes. Those who recommended this plan professed to have the interest of Ireland at heart. And what did they mean to do? They wished to adopt a system that would still farther impoverish that country, and make the people pay double what they paid at present; and which, instead of a body of resident clergy, would give them a body of non-resident landlords. Could any thing more unjust be done? The moment the question came to be considered, no honourable mind could entertain the project. He argued, then, that the right was the right of property; and that it was as well exercised as it would be in any other hands. The noble marquis had pointed out the hardship arising from the collection of tithes in Ireland; but the distinction between the two countries in this respect was easily accounted for. A tithe income of 400*l.* a-year in England would probably be collected from 30 or 40 persons; but the same amount of income in Ireland would be collected, perhaps from 1,400 or 1,500 individuals, of the poorest class. Let noble lords consider the burthen which this threw on the clergyman, the derangement of his affairs which it occasioned, and the endless litigation to which it gave rise. The obvious, just, and natural remedy was this: let the proprietor pay the tithe, and let him make an arrangement with the farmer out of the rent. By adopting a measure that would enable the clergyman to lease his tithes for a certain number of years to the proprietor, the evil would be removed. If the proprietors were willing to be parties to this measure, where was the difficulty? The clergy, he was sure, would consent to the plan; and if there were any obstruction, it must come from the proprietors. Should both agree to it, they might safely come to parliament for its aid and assistance. It was a fact not to be denied, that the subdivisions of property in Ireland arrested the progress of civilization: in this country it was found that civilization was in proportion to the magnitude of estates. In Ireland there were an immense number of forty shilling freeholders; and while this state of things continued, the evils that had been the subject of complaint must be aggravated. Several measures to ameliorate the condition of Ireland would shortly come under the consideration of their lordships. One of them had been last night introduced into the House of Commons, and its object was to make improvements in the present system of leasing tithes. It was not the only plan ministers had in contemplation, but they had thought it advisable to introduce that bill in the course of the present session, leaving the other important branches of the subject to future deliberation. The police bill was another endeavour to improve the condition, and promote the tranquillity of Ireland. Grave objections had been stated to it; but he believed that they were founded upon an erroneous view of its provisions. He could not allow the question to go to a vote without saying a few words upon the delay of which the noble marquis had spoken on the part of the present lord lieutenant of Ireland. The appointment of the distinguished individual who filled the office of viceroy, had received the praise of the noble marquis. Since his appointment, he had been subject to indisposition. There never was an individual who more completely put the whole energies of his soul into a system which he might be disposed to try; but at the same time he would never put his hand and give his sanction to a hasty measure. It was not, therefore to be expected that he would, without due consideration, authorize the introduction of any measure. In addition to his great qualifications to govern Ireland, he was rendered the more fit for the duty by his particular attachment to it. In that country he had first drawn breath—in that country he had first distinguished himself—and he had returned to it with an anxious desire that the latest acts of his political life should be devoted to the happiness of his native country. Without intending the slightest disrespect to the noble marquis, he should meet his resolution by moving the previous question.

The Earl of *Limerick* supported the resolution, and said, that the crisis had arrived, when, if the attention of parliament was not called to the state of Ireland, the most lamentable consequences would ensue. Generally speaking, no

better landlords were to be found in the world than in Ireland. The evils of that country were not to be attributed to them, but to the odious system of Excise laws, which barbarized the country. He objected also to the mode in which popular elections were conducted. They excited the ambition of the middling classes, and diverted their attention from the objects to which it ought to be devoted. The noble earl had said, that tithes were as sacred as private property. Admitting the fact, could not parliament, for the general good, deal with it as it had done with other species of private property? He did not, of course, advocate the spoliation of the church; for, in so doing, he should be advocating the spoliation of his own property at no distant day. A just commutation of tithes, would, in his opinion, be most serviceable to the Protestant church in Ireland. He did not see why the clergy should be less inclined to reside on their livings after the commutation than before it. He could by no means agree, that the property of the country should be made responsible to the clergy for their tithes. At present the landlords got but little, and in that case they would get nothing.

The *Lord Chancellor* said, that the small number of appeals from Ireland did not lead him to suppose that the people were dissatisfied with the decisions of the judges. He had made a calculation of the number of days that would probably be occupied in hearing and deciding the appeal causes now on the list, and he found that the English, Irish, and Welsh appeals might be dismissed in 50 days, while 400 days would most likely be insufficient for those from Scotland only. Why the Scotch were so dissatisfied with the determinations of their judges, he did not pretend to decide; but certain it was, that the Irish did not appear to have the same grounds of complaint. On the subject of tithes, he could not avoid expressing his deep regret that a noble marquis had never spoken of them but under the terms of tax and impost. With the utmost deference, he would tell that noble marquis, that the nine-tenths of the estates belonging to him, might be just as fairly so characterised, as the one-tenth that was the property of the clergy. To the noble earl who had last spoken, he would also say, that he had just as much right to interfere with the receipts of the noble earl's estates, as the noble earl had to interfere with the tithes of the clergy. One-tenth of the estates which the noble earl called his own, was no more his property than it was the property of any other man.

The Marquis of *Downshire* expressed his disappointment at the manner in which the resolution had been met by ministers. The great objection to tithes in Ireland was, that they were a tax upon all improvements, and therefore retarded the progress of civilization. The noble earl had spoken of the advantages of a resident clergy, but in many instances, parishes were united: consequently the livings were very extensive, and in proportion to the extent, the advantages of residence would be diminished. In one diocese of Ireland, consisting of 210,000 acres, one clergyman held a living of 34,000 acres. Part of this land was waste; but the wide surface of the living of course prevented the clergyman from fully discharging the duties of his office. Ought not this defect to be remedied? He had no doubt that the noble marquis at the head of the government of Ireland was well inclined to turn his attention to the numerous evils which existed in that country; but he was persuaded that the noble marquis would find it difficult to arrive at the truth; for there was no country in which the truth was elicited with more difficulty than in Ireland. The Police bill, he was persuaded, would have the effect of disgusting many respectable magistrates, whose attendance at the petty sessions was most salutary. He admitted, that the absence of the great landed proprietors was a serious evil. Much might be accomplished if they would devote a small portion of their time and incomes to the improvement of the condition of their country. If they could not reside, they might appoint agents of education and respectability, who would not be content with being heard of merely at those periods of the year when rents became due.

The Earl of *Donoughmore* declared, that he had never heard a speech more devoid of party feeling than that of his noble friend, who originated the present discussion. The noble earl, however had answered that speech as a minister of the Crown, and as if it had been an attack on the government of Ireland. He as highly respected the character of the illustrious person at the head of that government as any man could do. He had witnessed the manner in which that noble lord conducted

the affairs of the country which he had so properly been sent to govern; and he had never seen greater talent, more perseverance, so total an absence of any feeling, but of anxiety to do right. Almost the whole weight of the government of Ireland had been thrown on the noble lord's shoulders. He had not, however, flinched from his duty; but had performed it like an honest and enlightened man. Of this he was persuaded, that the noble marquis was not so silly a politician as to begin to act until he knew his ground. He would make himself acquainted with all that it was necessary to do before he did any thing. His character was too high to allow of his risking any indiscreet or premature measure, to gratify the impatience of the public, or perhaps some individuals in parliament, who wished to jump at once to a conclusion. The bill that had been recently introduced, so far from being favourable to a commutation of tithes, was meant to be an extinguisher upon the very principle. Their lordships had heard a great deal about the magistracy of Ireland. That magistracy was in a bad state, no doubt. The appointment of the magistrates rested principally with the chancellor of Ireland; and if any were recommended by a privy counsellor the chancellor was obliged to pay deference to that recommendation. For any such appointments, therefore, it would be very invidious to blame a chancellor thus situated. But why did not ministers take measures for the revision of the whole commission? God knew that Ireland was already sufficiently unfortunate; but when the bill in question should have passed, she would be, indeed, degraded. For what did it do? It went to give to the government the appointment of constables throughout Ireland; and by this means, it placed the whole population of Ireland under the excessive powers of local magistrates. Granting that in the disturbed districts, this measure was to be palliated as one of necessity, why should it be applied to Ulster and Connaught, for instance? Was the whole country to be needlessly placed under the operation of one and the same measure? He was constrained to say, that the measure would be altogether inefficient.

Lord *Ellenborough* said, that the noble earl opposite had told their lordships, that the present distressed state of Ireland was owing, not to the laws of the country, but to the state of society there. Now, he would observe upon this, that he traced the state of society to the statute book of Ireland. Although many of the most objectionable penal statutes had been expunged or repealed, the grievance still existed in the effects which they had produced; and noble lords well knew that, in many cases after the cause had been removed the effects would still continue to manifest themselves. How different would the state of Ireland have been had a motion similar to the one now moved been discussed in parliament at the period of the Union, when they would have been treating with the interests, not of a starving population of seven millions, but of a population of five millions, in a state of comparative prosperity! It would be matter of great regret to him, if any thing which might fall from him should have the effect of altering the tone of the debate. But he must declare it to be his opinion that there could be no reasonable hope of permanent improvement in Ireland, under a government constituted as the present government of Ireland was. No such hope could be cherished until all persons resident in Ireland were placed in the same position, in the eye of the law. But, while a majority of the Irish people were placed in a suspicious point of view, as regarded the law—while several of his majesty's ministers were found to concur in the same suspicion which was entertained by the law, it was not in human nature that equal justice should be done between Catholics and Protestants. The noble earl had said, that the state of society in Ireland, and not misgovernment, had led to the misfortunes of the people. He had also said, that Ireland was not taxed in her full proportion, and that she had received all the benefit arising from a participation in the English laws; and he called upon the House to compare the condition of Ireland with that of Scotland. But, in the first place, had Scotland tithes? Had Scotland a hierarchy, professing principles of religion in direct opposition to those of the great majority of the people, by whom they were paid? Did not Scotland enjoy the execution of strict justice? Now, what was the state of Scotland before strict justice did exist in that country? Let their lordships look back to the period when Scotland was first conquered by the parliament. After that event a commission, headed by two of the ablest men in the kingdom, lord chief justice St. John, and sir H.

Vane, was sent by the parliament into Scotland, "to inquire what was proper to be done in respect of the existing laws of the realm of Scotland." The defective condition of those laws was notorious. They improved the law, and remodelled its administration accordingly throughout that country. Infinite opposition and discontent were at first excited. The Scots of that day—the Camerons and the Gordons and the Græmes — denounced the members of the commission and those who sent them, as "clanless rascals;" but, happily, with a perfect indifference to the denunciations, the commission pursued its labours; and, in the course of a few years, Scotland enjoyed such strict justice, that the conquering nation could venture to quit it, leaving scarcely a single soldier to enforce the authority of the laws. The learned lord on the woolsack had observed, that, to judge from the few appeals which came up from Ireland, no great evil could exist in the administration of justice in that kingdom. But, unhappily, the question was not as to the administration of justice there between rich and rich, but between the rich and the poor. The evil complained of arose not out of the administration of the law by the judges, but by the magistrates. Did the learned lord really suppose, that it was possible for the poor peasant who happened to be wronged, his possessions consisting of two barren acres of land, to bring his appeal before their lordships, incumbered as it must necessarily be with all the expensive accompaniments of lawyers and solicitors bills, and parliament fees? But the noble earl at the head of the government appeared to think, that tithes possessed one advantage of a public and political nature; namely, that they brought the clergy into contact with the tenant of the soil. But, what sort of contact was it—a forced or a voluntary one? To him it appeared to be much the same species of contact as that between a person beating another with a stick, and the person beaten. His own opinion as to tithes was this: that the clergyman, in future, ought to have all that he has at any time had, in the way of tithe; all that he could, in short, possibly have. Whatever the clergyman might have taken, on an average of the last 10 years, he ought to take now: and his future tithes ought to bear the same proportion to the increasing produce of the soil, as the tithe he now took bore to its present produce. Whoever went further than this principle, put a limit to the possibility of effecting a commutation of tithes. It would not be possible to give a sum adequate to the demands of the clergyman, though they might give him a sum equal to what he now received. Unless this commutation, in any bill to be adopted, should be made compulsory on the parties, it would be perfectly ineffectual. The noble earl had thought it necessary to make a laboured apology for the noble marquis at the head of the government of Ireland; and another noble earl (Donoughmore), with no great advantage to the cause which he advocated, had followed in the same strain. But in order to do so, that noble lord had been obliged to throw overboard the two bills which had been lately introduced into the other House, contending that it was impossible they could have originated with the noble marquis who presided over the Irish government. The spirit of departmental government had actuated some noble lords so much, that the government of Ireland was considered precisely in the light of an independent country. The noble earl opposite talked of it as if it was a separate and distinct government; as if the mandate of his majesty's ministers, collectively, did not run to every part of the United Kingdom. He must protest against the doctrine of separate, individual, and exclusive responsibility; as if the ministers altogether were not bound by the act of one of their body; or as if the whole and undivided responsibility insured by it remained singly with the lord lieutenant of Ireland.

The Earl of *Darnley* said, that a revision of the magistracy of Ireland might be attended with much benefit, but that the measure now pending could only have the effect of disgusting those who were in the commission. He was a decided advocate for the commutation of tithes in Ireland.

Lord *Holland* said, that the motion of his noble friend was, to take into immediate consideration the state of Ireland, with a view to bettering the condition of the people, and the establishment of tranquillity on a firm basis. On that motion the noble earl opposite, in one of the most extraordinary speeches he had ever heard, had alluded to the different states of society, ancient and modern, and had moved the previous question; meaning thereby, as he presumed, that the motion was a

proper motion, but that the present was not the proper time for agreeing to it. In fact, however, the moving of the previous question was susceptible of two meanings. Either it might mean, that the original proposition was good, but that the time was not a proper time for acceding to it: or it might mean, in the mouth of a minister, that it was proper to do what was proposed, but that the House ought to place sufficient confidence in his majesty's government to believe that they would originate some measure to the same effect. If the latter were the noble earl's meaning, he had proceeded very strangely. He had declared that this was no party question; but, having made that declaration, he concluded with a motion, which set the question immediately on a party footing, by placing it on the broad ground of confidence in his majesty's government. As to the other interpretation, namely, that although the proposition was a good one, the present was not the fit time for its adoption, he really thought that parliament had already manifested sufficient patience on the subject. Let their lordships look at what had passed even in the present session. His majesty had hardly retired from the coast of Ireland, and parliament had scarcely met, when, by a message from the throne, the attention of parliament was drawn to what was taking place in Ireland, and strong coercive measures were proposed in aid of the authority of government. Their lordships' consent to those measures was reluctantly wrung from them. They had been told, that the causes of the evils in Ireland lay in the state of society; and that government contemplated measures of relief. Contemplated! A pretty contemplative government it was! It had been contemplating for two and twenty years, during the whole of which period the unhappy people of Ireland had been subject to every species of distress and calamity. What followed the adoption of the measures introduced by his majesty's government? A noble duke (Devonshire) took the opportunity afforded him on presenting a petition praying for the commutation of tithes in Ireland, of addressing their lordships, with all the unassuming modesty belonging to his age and character, but with the consideration and goodness apparently hereditary in his family, and of expressing his entire concurrence in the prayer of the petitioners. The noble earl opposite paid the noble duke many compliments on the occasion, and held out hopes that the subject would be taken into consideration by his majesty's government. With that declaration, his noble friend had been highly satisfied. With respect to himself he hoped he was not very liable to entertain unjust suspicion, but he had told his noble friend that very day, that he had some doubts as to the dependence to be placed on the noble earl's statement. He had had much more experience of the noble earl than his noble friend had had. Whenever a question of great magnitude was proposed on the opposition side of the House, the noble earl always dealt with it in one of two ways? He either cried wolf! and exclaimed that the church was in danger—that the constitution was in danger—that the best interests of the country were in danger; or, on the other hand, he mildly said, "really there is a great deal of truth in what you advance. It is impossible to deny the justice of your principle. The subject is certainly one of considerable difficulty, and may admit of many advantageous modifications. However, you may depend upon it, that I will address my mind to the consideration of the best means by which your object may be carried into effect." Whenever he (lord H.) set his heart on carrying any measure, he greatly preferred the lofty tone of the noble earl to his more placid and gentle strain. A great poet of antiquity, who was said to have understood the female character extremely well—but he would not name the book, because he was sure the right reverend prelates could know nothing about it—had observed, that he never objected to a little scolding, and a little scratching and a little pulling of his hair at the hands of his mistress, because he knew that softer moments were about to follow. So he (lord H.) felt well satisfied with the excited animation of the noble earl, but he dreaded the opposite tone. He perfectly recollected when the noble earl, on the dissolution of another ministry, some years ago, protested most vehemently against the proposition of that ministry, for what the noble earl called, putting the sword into the hands of the Roman Catholic. He had lived, however, to see that noble earl support an exactly similar proposition. When an hon. and lamented friend of his, he meant Mr. Horner, agitated the bullion question, no one was more decided in his opposition to his friend's principles than the noble earl; yet now the noble earl

actually plumed himself upon maintaining the identical principles, which on that occasion, he had unequivocally condemned. It was the same with the sinking fund. The noble earl had declared, that by the integrity of the proposed sinking fund of five millions, he would stand or fall. That sinking fund had been diminished; but the noble earl was immoveable. It was the same with the repeal of taxation. No man could more positively deny at the commencement of the session, that any farther repeal of taxes was incompatible with the safety of the state; and yet his majesty's government had since spontaneously proposed the remission of taxation to a large amount. When, therefore, the noble earl manfully and obstinately resisted any proposition, he (lord H.) felt like a man perched on a rock in the midst of the ocean, who, beholding the billows breaking and foaming around him, was justified in entertaining a hope that the tide might recede, and allow him to reach the main land; but who, when he saw that all was smooth and deep and stagnant, was aware that the level would never alter, and that he must submit to inevitable destruction. It was with this feeling that he had listened to the noble earl's assent to the noble duke's propositions; and the advice which the noble earl had that night given their lordships to postpone acquiescing in the present motion, proved the accuracy of his presentiment. He (lord Holland) deprecated all postponement of the subject. From long experience, he knew, that on most subjects, and especially on the fatal subject of the miseries of Ireland, whenever administration had been trusted to act, nothing useful had been accomplished. The simple question for their lordships to decide was, whether they would proceed at the present moment or not? The noble earl's argument was, that the whole subject with respect to Ireland had been mistaken; that there had been a complete misapprehension, not as to the effects (for they were too evident even for the noble earl to deny), but of their causes. The noble earl denied that the cause of the present discontents was disloyalty; he denied that it was misgovernment. He maintained that it grew altogether out of the state of society, and the conduct of the great proprietors of Ireland. A whimsical doctrine this for one who had so warmly supported the Union! In fact, the speech of the noble earl had been directed rather against reform generally, than against his noble friend's proposition. His noble friend's proposition had no connexion with what was called reform. The topics which his noble friend selected for observation, were the amount of taxation, the administration of justice by the magistracy, and the tithe system. The noble earl had made the question much more general in its character; he had extended it to the state of society, to the cultivation of the lands, to the conduct of the absentees. If, however, the evil was more general than his noble friend had anticipated, surely that was a very odd reason for postponing an inquiry into it! With respect to the question as it respected absentees, he would first observe, that he had no connexion with Ireland of a nature at all affecting his interest. His only sentiment with regard to that country, was a feeling of esteem and admiration for the generous and noble character of its people. But he must say, that even if all were true that was said of the conduct of the absentees, it was most unjust and ungrateful for any Englishman, and above all for any member of an English parliament, who had supported the Union with Ireland, to add insult to injury by such observations. Was it possible, when the local parliament of Ireland was removed and fixed in the heart of the English metropolis, not to anticipate the evil which had ensued? As to the argument which had been deduced from the small amount of the taxation derived from Ireland, it really astonished him. The noble earl said that we only got four millions of revenue from Ireland. But the noble earl ought to know, that the very smallness of the revenue collected frequently proved the extreme oppression under which it was levied. With respect to the argument of the learned lord on the woolsack, that, judging from the small number of appeals from Ireland, there did not appear to be any complaint of the mal-administration of justice in that country, that argument had been so well answered by the noble baron, that it was not worth while to add a single word, except to observe, that the evils complained of by the Irish were not the erroneous decisions of a court of equity, but the ruinous expences of the common law, and the corruption of the subordinate agents of the law, both of which were so excessive as to amount almost to a denial of justice. The contrast which the noble earl had endeavoured to exhibit between Scotland and Ireland had also been most

successfully exposed by the noble baron. He was in hopes that the noble Earl would have gone on to speak of the forcing of the tithe system on the Presbyterians of Scotland by Charles 2nd—certainly one of the most disgusting instances of tyranny the world ever witnessed. The noble earl might also have gone on to what followed. From the abolition of episcopacy in Scotland, the tranquillity of that country had gradually improved. With respect to tithes in Ireland, no one wished to abolish them. All that was required was, that they should be commuted. But the noble earl had declared that it was his intention to clog the proprietors with the payment of the tithes. Did the noble earl mean that the measure by which that was to be effected should be compulsory on the proprietors?—[Lord Liverpool replied in the negative]—Then it would not be worth a halfpenny. For, without compulsion, any such proposition would be entirely fruitless. The noble earl called tithes the property of the church. Certainly, they were the property of the church; but, like all other property, they were subject to the regulation of the legislature. Nor had the legislature of former days hesitated in interfering on the subject. The tithe on flax in England had been limited to five shillings an acre. Was that done because the clergy agreed to its being done? By no means. It was done simply because the legislature were determined to encourage the growth of flax. Such was also the case with tithes of minor value. They had been commuted because the commutation would be advantageous to the community. Whenever the advantage of the community, and the advantage of the church came in conflict with each other, he was always prepared to give the whole of the benefit to the community. He knew of no power in the ecclesiastical branch of the state, as he knew of no power in the state itself, but that which existed for the good of the people. Although it might not be expressed in words, such was the true spirit of the constitution of England. The time had arrived at which these principles must be acted upon as they respected Ireland. If the ingenuity of man had been exercised in devising a way of paying a church, calculated more than any other to produce at once the instability of that church and the discontent of the people, it would be the mode by which tithes were exacted from the great mass of the population of Ireland, for the purpose of supporting the clergy of a persuasion that did not amount to a fourteenth part of that population. The true way of supporting the Protestant Church in Ireland was, to make it cease to be the interest of the great majority of the people to subvert it. The Irish were a people very susceptible of wrong. Nay, he himself, although warmly attached to the constitution of his country, was by no means sure that he should remain a good subject, if he were compelled to pay a large portion of his substance for the maintenance of a religion which he might think heretical. As to the bill on the subject now in progress, it seemed intended to throw obstacles in the way of any satisfactory adjustment. As to the bill for regulating the police, all that we had to do was, to assimilate the provisions in Ireland respecting the magistracy to our own. In fact, we were no longer entitled to decide on that subject. We had made our election. At the time of the Union we had agreed to admit Ireland to the benefit of all our laws. Justice and faith towards the people of Ireland, combined to enforce that principle. If a stipendary magistracy were established in Ireland, in what a state might the British House of Commons be placed, with a hundred members in its bosom, chosen under the influence of such a paid magistracy! To this alternative, therefore, parliament must make up their minds; either to admit the Irish people to a full participation of all the advantages of the British constitution; or to repeal the act of Union, and restore them to the situation in which they were antecedently placed. If parliament should be compelled to render the act of Union a dead letter—if they should be reduced to the necessity of repealing it—he might recur to the lines which he had quoted when that Union was originally proposed—

> "Mortua quin etiam jungebat corpora vivis,
> Componensque manibusque manus atque oribus ora,
> Tormenti genus! et sanie taboque fluentes
> Complexu in misero, longa sic morte necabat."

The House divided: Contents, present, 35. Proxies, 25—60. Not Contents, present, 66. Proxies, 42—108. Majority against the motion, 48.

HOUSE OF COMMONS.

Friday, June 14.

KENT PETITION—REFORM OF PAR-

LIAMENT, AND REDUCTION OF THE INTEREST OF THE PUBLIC DEBT.] Mr. *Honywood* rose to present a petition from the county of Kent, complaining of Agricultural Distress, and praying for Parliamentary Reform. There was a concluding paragraph tacked to it, the introduction of which no man regretted more sincerely than himself; he meant that rider which called upon parliament to make a reduction in the interest of the national debt, as soon as that House should have reformed itself. Had government, two years ago, adopted that economy and retrenchment so loudly called for by the distresses of the country, they would never have heard such a sentiment from the freeholders of Kent.

Sir *E. Knatchbull* admitted, that the meeting was numerous and highly respectable. The meeting was convened for the purpose of considering the distressed state of the country, and the expediency of parliamentary reform. The meeting took place, and very little was said about agricultural distress, but a great deal about reform. Every thing went on peaceably, until a gentleman (he supposed he must call him so, for he said he was a freeholder) thought fit to propose the rider alluded to. In his opinion, it was the lamest rider a Whig horse ever had to carry. When the clause was proposed to the meeting, a considerable pause, as if of astonishment, ensued. Some time elapsed before any body had the confidence to second the motion. At last an individual seconded it. During the whole of the time, the great Whig leaders who had called the meeting were silent, and expressed no opinion with respect to the clause. A noble lord (Darnley) opposed the rider, as recommending a breach of public faith, and no doubt with a feeling of strong repugnance at seeing the aristocracy of the county dictated to by such a character as Cobbett. Had his honourable colleague and the noble lord called upon the meeting to oppose that rider, they would have vindicated the high character and unblemished honour which the county of Kent had ever maintained. The person who moved the rider had stated, that the main object of parliamentary reform was, a reduction of the interest of the national debt. If that was so, his objections to parliamentary reform were strengthened and confirmed. He was perfectly persuaded that this disgraceful rider would never have been adopted, if the Whig leaders had expressed their dislike to it as strongly as his hon. colleague had now done. He protested against this amendment being considered as the expression of the opinion of the freeholders. Whatever might be their opinion with respect to parliamentary reform, nine-tenths of them would have rejected a proposition for breaking faith with the public creditor. He protested, therefore, against this part of the petition in the name of his constituents, and he had the authority of his hon. colleague for protesting against it on behalf of the Whig leaders of the county.

Mr. *Honywood* said, that this petition did not emanate merely from the Whig leaders. The requisition had been signed by a number of persons who had never called themselves Whigs, and who were once the enemies of reform. With respect to the rider, he had opposed it at the time, and he utterly disavowed the sentiment it contained.

Lord *J. Russell* could not help expressing his surprise, that if, as the hon. baronet stated, so large a majority of the meeting were opposed to this proposition, he had not himself brought forward some counter resolution. The truth was, and it was a melancholy truth, that persons not of the lowest order, nor seditiously inclined, but possessing considerable property in the county, found themselves in a state of approaching ruin, and in the wreck of their fortunes, upon hearing any proposition which bore the appearance of relief, they caught at it, as drowning men catch at straws, without any intention of injuring the government or the constitution of the country. With regard to parliamentary reform, he had been applied to by several of his friends to know whether it was his intention to renew the motion which he had lately made, and he now begged to state, that upon the first favourable opportunity, he would renew his attempt to effect a just, necessary, and constitutional reform. With respect to the part of this petition, which prayed for a just reduction of the interest of the public debt, he knew of no such thing as a just reduction of that interest, and considered parliamentary reform wholly unconnected with the public debt. Even if he were disposed to say that the late war was entered into, and persisted in against the will of the great majority of the people—a proposition which he was by no means ready to admit—he should still contend, that that House was the legal representa-

tive of the people, and that if any debts were contracted by it, future governments were bound to discharge them. The Cortes of Spain might furnish an example in this respect; for though they succeeded to one of the most vicious and detestable despotisms by which a nation had ever been oppressed, they still considered themselves bound to discharge the debts contracted by the former government. To such a measure as that recommended in this petition he would never consent, except in a case of overwhelming necessity—not a necessity wantonly assumed, or gratuitously suggested, but such a necessity as would be felt by all parties in that House, and which, if it ever arrived, ministers would probably be more quick-sighted in perceiving than any other party in that House. Did such a necessity exist at present? Far from it. Not only were we paying the interest of the debt, but we were reducing taxes which had hitherto been paid. Ever since the time of William 3rd, we had been contracting this debt. We had begun it in our struggles to preserve on the throne the king of our choice, in opposition to a rejected family whom foreign despots wanted to force back upon us. If we were the first to create a public debt, and for so great a purpose, surely we could never be the first to violate faith with the public creditor [Hear, hear!].

The Marquis of *Londonderry* said, he was not in the House when the petition was read, but he hoped that no objection would be made to its reception. However strongly he might reprobate the particular paragraph in question, he did not apprehend that it formed any objection to the petition being received. On the contrary, he thought it would be highly useful that this petition of the county of Kent should remain on the records of parliament, to warn other counties against being betrayed into the avowal of principles so disgraceful to themselves, and so calculated to bring ruin on the country. It was not with any surprise that he had heard the noble lord opposite disclaim a doctrine so unjust, so flagitious, and so pregnant with ruin and degradation to the country; but the noble lord must forgive him for saying, that he had heard part of his observations with great pain. The noble lord said, that he could never consent to such a measure, except in a case of overwhelming necessity. By what process of reasoning could the noble lord couple the word consent with overwhelming necessity? When such a state of things as the noble lord contemplated, had thrown down all the barriers of restraint, and dissolved all the ties of morality, what room was there for consent? He protested against this mode of expression, because it was calculated to give too much countenance to the notion of that convenient sort of necessity, which might tempt gentlemen to give their consent to the spoliation of property which belonged as justly to the public creditor, as the lands of the house of Bedford did to the noble lord's family. He considered the right of the public creditor to the interest of the debt as sacred as that of the duke of Bedford to the manors to which he was legally entitled. He hoped the word "consent" would never again be mixed up with a transaction, which could only be one of pure violence; and he doubted not, that whenever he again introduced it, he would discuss the question in the same temperate and enlightened manner; that the language of this petition would operate as a caution to parliamentary reformers, and induce them to pause before they attempted to break down the existing forms of the representation of the country, and place it in a state in which meetings like that of the county of Kent, might send mandates to that House, so inconsistent with all the principles of justice and sound policy.

Lord *J. Russell* said, he had studiously qualified his expressions, by stating that he meant not a gratuitous necessity, but such a necessity, as would be felt alike by all parties in that House. He meant to put the strongest possible case of necessity; such a case, for instance, as when we were utterly unable to pay the interest of the debt, or when the presence of a foreign enemy at our gates rendered the independence and safety of the country paramount to every other consideration.

The Marquis of *Londonderry* said, he was happy to hear the anxiety of the noble lord to explain his expressions, but the case put by the noble lord could only justify the nation in postponing the performance of its engagements, and not in consenting to the violation of them. He exceedingly lamented, that the leaders of that meeting, for the sake of their station and character in the country, had not rescued themselves from the disgrace of having such a proposition carried.

Lord *J. Russell* said, he was ready to retract the word "consent" if the noble marquis wished it, but he really was not aware that the noble marquis was such a critic in language. He thought that the Whigs had been carried away by the feeling of the whole meeting, which feeling had been mainly produced by the measures of the noble lord opposite.

Mr. *Calcraft* said, that if the two representatives of the county had made the statements to the meeting which they had made this evening, there would not have been fifty voices for the amendment. He lamented that they had not made known their indignation against such a proposition. The meeting had agreed to it from utter ignorance on the part of many, and many, from not having heard it at all. Those who called the meeting ought to have stood till this time, combating the amendment, rather than have allowed it to be attached to their petition. If they had acted so, the person who had proposed it, and who was not known as a freeholder, would soon have been obliged to take his horse and ride away. He disclaimed the amendment as not expressing the sentiments of the meeting, and had he not been engaged in duties which he conceived to be more important in that House, he could have successfully exposed the weakness and fallacy of the proposition. It was said that gentlemen were taken by surprise; but when men undertook to manage public meetings, they ought to be prepared for emergencies of this sort. He had reason to know that the individual who proposed this rider had not the slightest expectation of seeing it adopted.

Sir *E. Knatchbull* said, that if his hon. colleague had joined him in opposing the proposition, or met him half way, Cobbett and his amendment would have been consigned to merited disgrace.

Mr. *J. Smith* was convinced, that the great body of the freeholders of the county were incapable of supporting so flagitious a proposition. It was a severe mortification to him to find that the county of Kent was the first to come forward to petition parliament to break faith with the public creditor.

Mr. *Brougham* said, that two objects seemed to be in the view of the noble lord opposite, and the worthy baronet, one to cast blame on the leaders of the Whig aristocracy; the other, to attack all public county meetings through the sides of the Kent meeting. And well they might come to this conclusion, if there were any foundation for their premises; for, if the freeholders of Kent were not to be trusted, either as to the purity of their motives, or the sagacity of their views, he knew not where in all England, a county was to be found in whose probity or intelligence they could rely. He rose, therefore, for the purpose of vindicating both these parties, on the showing of the assailants themselves. If the meeting were to blame, then the Whig leaders must be exculpated; if the Whig leaders were to blame, then it was impossible to cast any imputation on the meeting. The hon. baronet had asked, why the Whig leaders had not come forward to open the eyes of the meeting, and resist the proposition? Why then, it followed of course, according to this view of the case, that if the Whig leaders had come forward, they would have been successful, and it was their own fault that they had not enlightened the meeting. They might have resisted the proposition—it was their non-resistance to which the proposition owed its success. But what followed from this branch of the dilemma? If the Whig leaders were in fault, the meeting must escape from all blame; for it was to be presumed, that the real sense of the meeting was not in favour of this odious proposition, and that it would not have been agreed to if the Whig leaders had done their duty. The worthy baronet had, however, exculpated the Whig leaders, when he had stated, that one noble lord (Darnley) did come forward and oppose it. The worthy baronet did not deny that many of the Whig leaders gave their votes against the proposition—[Sir E. Knatchbull said, "some few of them."] And he (Mr. B.) had the assurance of those noble persons themselves, that they did vote against the obnoxious proposition. Yet the worthy baronet had most inconsistently blamed the Whig aristocracy for not opposing what, upon his own showing, it appeared they had opposed, and he had blamed the meeting for having been the dupes of that proposition. He was really at a loss to conceive what the worthy baronet or his hon. friend (Mr. Calcraft) would have wished the Whig leaders to do more than it was admitted they had done. He could assure the House, that it was the fixed and clear opinion of many gentlemen who were present, that the meeting were decidedly in favour of the proposal; and that all resistance on their part would have

been unavailing. He was inclined to think that if a farther explanation of the nature and consequences of the proposition had been given, it might have been rejected. He protested, however, against the doctrine, that this addition to the petition, ought to diminish the weight and authority which belonged to the rest of it. The meeting was emphatically a meeting of the county of Kent: it was crowded with men of all parties, many of whom were friends of the worthy baronet. No man could deny, that with respect to their complaint of grievances, and the question of parliamentary reform, the petition spoke the deliberate sense of the meeting; and it was too much to contend that the addition of an obnoxious paragraph, which had been embodied into it from accidental circumstances, ought to diminish the weight to which the petition was entitled. He trusted the people of England would never be deterred from exercising the right which they had in this instance exercised, and that they would continue to show their clear and deliberate sense of the distresses under which they were labouring, and the causes of those distresses, in petitions to parliament while the session lasted, and to the Throne during the recess. The less such representations were attempted to be stifled—the more fully and freely they were discussed—the more securely would public credit be placed on a basis which nothing could shake but that overwhelming necessity which was paramount to all argument, and which, as the noble marquis had justly observed, put all consent entirely out of the question. Such a proposition ought never to be entertained but in circumstances of the greatest extremity; least of all ought it to be brought forward in the crude, hasty, ill-considered, and not at all digested form in which the last paragraph of the petition embodied a sentiment which would never have been adopted by the meeting, had it been thoroughly canvassed, and which he hoped never to see introduced into a petition again.

Mr. *Honywood* said, that a noble friend of his would also have explained to the meeting the fatal consequence of the proposition, had it not been that he was fatigued by being squeezed up in a waggon.

The Marquis of *Londonderry* denied having said a word against county meetings generally. All he had said was this, that as these petitioners had consigned to a reformed parliament the task of committing a spoliation upon the public creditor, he thought that the country should guard itself against any system of representation which might be likely to entertain such crude and sweeping suggestions.

Mr. *Brougham* said, that however objectionable or unjust the proposition of the petitioners might be, it was not more so than the conduct of the noble marquis respecting the restriction, and the subsequent resumption of cash payments.

Lord *Clifton* said, it might seem odd for a man to accuse himself; but he did think that the Whig leaders had wanted spirit at the meeting. How Mr. Cobbett had got possession of the meeting he could hardly conceive, unless from the circumstance of his having spoken towards the close of the meeting, and amidst that confusion which generally attended the breaking up of such bodies. But, notwithstanding the objectionable character of the rider, he believed the sentiments expressed in the petition to be the sentiments of a great proportion of the freeholders of Kent; and he hoped that future meetings would take warning how they annexed to their petitions sentiments and principles of a revolutionary nature.

Mr. Secretary *Peel* thought, that the manly and becoming confession of the noble lord had done ten times more towards setting his party right with the people of England, than the defence which had been made for them by the hon. and learned member. But, when the noble lord expressed his astonishment how Mr. Cobbett could have influenced the meeting, he put a query which, in fact, he himself had answered. Mr. Cobbett had succeeded in influencing the meeting, simply because he had not been manfully resisted. What was the charge against the meeting in question? Was it blamed for having met to petition parliament for retrenchment? No; it was blamed for having proposed an unjust and iniquitous measure. The more decided the opposition of the Whig leaders to Mr. Cobbett's proposition, the greater had been their blame that they had not stood forward, and explained to the men of Kent the impropriety of the course they were following. If the being squeezed in a waggon was an excuse for one individual, it could not be an excuse for all. After all, he preferred the manly proposal, for a downright reduction of the interest of the debt,

to the mysterious insinuations of the learned member for Winchelsea; nor could he think that that learned member had much palliated the iniquity of the present suggestion, by attempting to show that parliament had sanctioned measures still more iniquitous.

Mr. *Bennet* said, he was not surprised that the right hon secretary was desirous to do away the disgrace which attached to the pillage in the first instance of the public creditor, and the pillage afterwards of the public debtor, which had been committed by the government. These profligate and abandoned examples had corrupted the moral feelings of the country; though, after all, he did not believe that the objectionable proposal could be considered as the act of a discussing body.

Mr. *Western* was astonished at the consummate assurance [Hear, hear!] with which the right hon. gentleman had denounced the men of Kent, for an expression wrung from them in a moment of irritation. Why had not the friends of the right hon. secretary come forward to face and to instruct the meeting? If only one-tenth of the county was favourable to the rider, why had not the other nine-tenths come forward to oppose it? It was too much for gentlemen to suppose, that public justice was due to no one but to the public creditor. Why was it not equally to be measured to the public debtor?

Mr. *Hume* contended, that the words of the petition could, in fairness, be construed to mean no more than a similar reduction in the interest of the debt to that lately made by the Chancellor of the Exchequer. The right hon. gentleman had reduced the interest of the 5 per cents to 4 per cent, and had hinted that the 4 per cents might ultimately be reduced to 3. Now, there was no reason to suppose that the petitioners did not mean such a reduction. When ministers had plunged the country into a state in which those who not long ago were in a state of comparative comfort, had no prospect before them but a gaol or a poor-house, they ought not to be over-critical about the terms of a petition.

Sir *F. Burdett* thought it was hard that his hon. friend, the member for Kent, should be fallen upon in the way he had been by both sides of the House, in consequence of his omission to do what few of the most experienced public men would have had presence of mind to do in his situation. It was plain that his hon. friend was overwhelmed by a sudden ebullition of popular feeling. But least of all did he think his hon. friend's colleague had any right to censure him, when he, the Tory member for the county, and known to be hostile to the proposition altogether, did not manfully step forward to combat its adoption by the meeting. The scheme proposed in the rider, was called, on the other side, a robbery; but difference of opinion might exist as to that fact. If any thing like an absolute fraud had been recommended, gentlemen would have been bound to resist it; but there were many who viewed the suggestion in a different light. The men of Kent did not say, that the public creditor should not have 20*s.* to his pound; but it was the opinion of many most able men, that in consequence of the measures of the right hon. gentleman opposite, the public creditor was likely to get 30*s.* in the pound. If that opinion was well founded, what man could be expected to submit, in the present condition of the country, to be stripped of his property in furtherance of such a system? And he (sir F. Burdett) did conscientiously believe, that not only the agricultural interest, but the whole productive labour and capital of the country, was at the present moment paying the public creditor 30*s.* in the pound. After all, then, what was there so very objectionable in the scheme which had been proposed? He did not regret that it had been proposed. The proposition had brought the subject matter into discussion; and such discussion was absolutely necessary to the safety of the country. Let the right hon. secretary make that clear to the country which was so very clear to himself;' namely, that the proposition was a dishonest proposition; and not apply abuse to every suggestion thrown out upon political economy. The right hon. secretary said, that he liked the plain dealing of Cobbett better than the mysterious insinuations of the learned member for Winchelsea. Now, he was glad that plain dealing was gratifying to him, because the right hon. secretary was in a fair way to have a great deal of it. Let not the noble lord opposite seek to engage the House in a warfare with the people. The noble lord would find the country disposed to make every necessary sacrifice, although not inclined to be the dupe of sophistry, which almost every idiot could see through, or of mock plans

of retrenchment, which ended in the imposition of additional burthens upon the people. He was glad that the petition was not to be rejected, and thought there was no pretence for branding any individual concerned in it with dishonesty.

Mr. *Monck* would go as far as any man for the payment of debts public or private, and would live on bread and water to discharge them; but the public faith had been first broken in the year 1797, when paper had been substituted for the metallic currency. The contracting of 800,000,000*l*. of debt was a species of dishonesty, for ministers never could have hoped to discharge it. He thought there was a broad distinction betwixt the public creditor who lent his money in gold before the year 1797, and those who lent it since that time in a depreciated paper, convertible neither into gold, silver, nor copper. He thought it was their duty to do what the French had done with their assignats, treating all debts contracted in that species of money as in a depreciated currency, and legalizing their liquidation in the present currency with reference to that depreciation.

Mr. *Wilson* could not agree, that there was any analogy between the English Bank-note and the French assignats. Were they to attempt to treat contracts in the way proposed, they would plunge the country into inevitable ruin. He did not see how the gentlemen opposite could blame the resumption of cash payments. He was sure that until they had found that some of the consequences of that measure were ruinous, a great majority of them were in favour of it.

Mr. *Philips* attributed all the evils which the country was suffering to the suspension of cash payments in 1797, and trusted that the country would never again be agitated by a return to that system.

Mr. *Lockhart* said, that whatever might be urged against a paper currency, this country would never have been able to carry on the war to the extent it had done, without its aid. Like Oliver Cromwell, who, finding that he could not purchase provisions for his forces, voted a general fast, the chancellor of the exchequer, finding that he had not a sufficient quantity of gold, voted that paper was equal to it in value; and it became so much so, as to answer his purpose. This, however, was no reason why the argument should be turned against those, who, feeling the evils brought upon them by the system, prayed for some reduction of the interest of the national debt. He did not justify such a measure, but we ought not to condemn those who called for it as dishonest; for he was satisfied that no portion of the British public would think of such a plan, unless they were driven to it by the most pressing necessity. He trusted that parliament, after the reduction of taxation, as far as possible, would in the next session inquire how far the different kinds of property might be brought to bear their fair portion of the public burthens.

Mr. *J. Martin* thought that nothing could be more insulting to parliament, than to call upon them to do that which those who made the call knew to be dishonest. As he believed that a great majority of the petitioners were ignorant of the effect of what they asked, he would consent that it should be received. Feeling, however, that the demand was in its nature unjust, he trusted that parliament would not separate without expressing their opinion upon it. They had, the other evening, declared that they would not debase the coin of the country: let them now agree to a declaration, that they would not defraud the public creditor.

On the motion for printing the petition,

Mr. *Brougham* observed, that when the men of Kent were blamed for calling for a reduction of the interest of the debt, we should recollect what had been done by parliament on former occasions. With respect to the prayer of the petition he could not agree to it. He thought that, in justice and good policy, we were bound not to touch the principal, and to pay the interest as long as we could; and he doubted not that if economy were practised, we should be able fully to satisfy the public creditor, without severely pressing upon the people. But if this economy and reduction did not take place, then would come that necessity which would prevent the possibility of his being paid. The right hon. secretary had praised the manner in which the petitioners had made the request, and had said, that it was more manly than any round-about and insidious attempts at the same object. If the right hon. gentleman meant to allude to the intentions of gentlemen on his (Mr. B's.) side, he must tell him that he was wholly mistaken; but if he wished to apply them where they were so well deserved, let him look around him, and he would there find the abettors and supporters of a fraud carried on by insidious,

unmanly, base, treacherous, and violent measures—measures from the effects of which the country was not likely to recover, under the present system of management.

Mr. *Peel* said, he never did deal in underhand insinuations. He had adverted to propositions made in that House, both by the learned gentleman, and by the hon. member for Shrewsbury, founded on a supposed necessity, when the public faith could not be preserved. Such anticipations were calculated to produce that necessity, which never should be contemplated in that House, any more than in private life it should be contemplated, that a case of highway robbery might be justifiable.

Mr. *H. G. Bennet* said, he would repeat, that the public had no right to pay more than they had borrowed, and that if they borrowed 20*s.*, they ought not to be called upon to pay 30*s.* By the measures of government both the public creditor and debtor had been defrauded—the former in 1797, the latter in 1819. Ministers had acted upon a system, the ruinous effects of which uniformly would exist when their names should be buried in oblivion, or if remembered, only as the authors of incalculable mischief to their country.

The Marquis of *Londonderry* said, that if the hon. member chose to become the advocate of revolutionary measures, he must find some better pretext than the reasoning which he had put forth. His argument about not paying 30*s.* where we had borrowed only 20*s.*, was just as reasonable as if he should object to paying at par that which we had borrowed at 60*s.* The bargain was made upon clear and intelligible principles, and they ought honestly to perform their part of the contract.

Mr. *Bennet* said, that no vote of his had ever gone to defraud the public creditor or debtor. Let the noble marquis mark that!

Mr. *Ricardo* said, it was clear, that if the public creditor had at one time received 30*s.* in place of 20*s.*, he had at other times received 20*s.* in place of 30*s.* So, that, in the whole of these transactions, he had great doubts whether the public creditor had been benefitted.

Mr. *Hume* was sorry that such opinions with respect to the payment of the public creditor should be laid by his hon. friends; but, though he differed from them, he could not shut his eyes to the fact, that they were opinions held by some of the best informed persons in the country. The noble lord would do well to look to his own conduct in the sister country, before he charged his hon. friend with a disposition to favour revolutionary measures. These, however, were threats which the noble lord had held out on every occasion where economy and retrenchment were recommended; but, like the boy in the fable, the cry so often repeated, was no longer attended to. He differed from his hon. friends in the opinion that any necessity could ever arise for reducing the interest to the public creditor. He thought no circumstance could arise in this country for any measure being enforced against the fundholder which was not also applicable to the landholder. The country was rich in resources. All that was wanted was, a just and economical administration of them.

Mr. *Honywood* said, that there was not one person in the county who was aware of the intention to introduce the obnoxious clause into the petition.

Ordered to be printed.

ALIENS REGULATION BILL.] On the order of the day for the second reading of this bill,

Sir *James Mackintosh* said, that no man who consulted his own personal satisfaction would think of addressing the House at any length, with such a thin attendance of members, and particularly after its patience had been nearly exhausted by the alarming nature of the subject which had engaged its attention for the greater part of the evening. They had been occupied in considering one of those unhappy contests between different classes of the same community, some of whom were endeavouring to shift the burthen from their own shoulders, on those of their neighbours. Such attempts, however unwise in their nature, nevertheless went to prove the extent of that misery, which could so far goad men's minds as to make them assent to propositions which a little calm consideration would induce them to reject. Such subjects were calculated to excite the anxious attention of parliament; but that upon which he now rose to address them possessed no such attraction;, particularly as it had been so frequently discussed within a few years. Still, however, Alien bills had never been brought to their present stage, and the grounds upon which they were

introduced and defended were so new and so various, that several of the former principles on which they had been supported and opposed would no longer apply. We had had systems of biennial Alien bills since the peace. In 1814, we were told that we must not, upon a transition from war to peace, make too sudden a jump from vigilance to perfect security. In 1816, an Alien bill was defended on the ground that France, with 160,000 troops, was still in an unsettled state. In 1818, we were told that such a number of journalists and other emigrants were in the country, as made it dangerous unless government possessed the power of sending them off at pleasure. But it happened singularly enough, that the government of France, within a few months of that period, as if to refute the statements made by their allies in that House, recalled all those emigrants to France, for the purpose, it would seem, of allowing them to carry on their schemes of conspiracy in the very metropolis of that country. In 1820, the measure was again renewed on the very reasonable apprehension, that the Calabrians might assist in exciting dissatisfaction at Manchester, and the Parguinotes in disseminating sedition at Birmingham. But, after that year, the government of England determined to have done with these temporary pretexts—pretexts which were so frivolous that, on looking back at them with the retrospective eye of history, no one could help smiling at the willing simplicity of those who appeared to have been deceived by them. These pretexts had, however, one merit in them—they recognized the temporary nature of the bill, and acknowledged that it was a departure from the ancient policy of the country, which required to be justified by some statement of apparent danger. A new condition of things had now, however, arisen. The bill, though it was still enacted as a temporary, was now introduced as a permanent measure, and being so introduced, he would contend that it was now in its principle perpetual. The question, therefore, on which the House was called to decide, was this—whether they would allow that to be engrafted on the constitution as a principle, which the folly of their ancestors had never deemed it necessary to enact, but which the wisdom of the present age thought it prudent and expedient to adopt? Though he intended to say little upon the general objections to the bill, he should still take the opportunity of calmly and dispassionately recapitulating them. The first objection to the bill was, that it reduced to a complete state of slavery about 25,000 foreigners, now resident in the British dominions. In the second place, it accustomed the subjects of a free state to the spectacle of slavery, and by inuring them to the sight of rights infringed and injuries unredressed gave a dangerous example of slavish suffering, and lessened the habit and love of freedom. Thus it was one of the last powers which a wise minister could desire, or a free constitution ought to establish. The third objection was, that this bill went to legalize an arbitrary power which might be exercised in a manner ruinous to the individuals, and mischievous to the country, by driving away our artizans and merchants, who enriched and adorned it, to a foreign land. In the fourth place, he objected, because the measure was not aided or connected by any of the legal and instituted means of detecting malice and falsehood. The fifth objection was, that with respect to humble and obscure persons coming under the provisions of this bill, who had no representatives in the legislature, no protectors in any of the institutions of the country, the abuse of the power was not only possible, but inevitable. Under the operation of this measure, poor and friendless foreigners, who were ignorant of the language, and the usages of the country, might be silently withdrawn—might be seized and exiled—without producing any chasm in society, any alarm in public opinion. They might be swept away from our shore, while their friends, apprehensive of the same fate, would silence their tongues and hide their trembling heads. In short, there was no security against the commission of wrong, and no responsibility when it was committed. But the evil extended much farther. It did not merely confer but diffuse the principle of tyranny; it scattered an odious power over the whole of society: it gave not to one or two only, but to a multitude of persons in the state, a vexatious and tyrannous authority over the comfort and security of others. All this evil, besides, arose not from the abuse but the very existence of the power, which must in its nature be injurious to the security of individuals, the integrity of testimony, and the decisions of justice. This was not all. Whether the power was abused or not, the knowledge

of its existence would deter many illustrious fugitives, whom the fiercest oppression drove from their native shores, from seeking an asylum in the hospitality of this land. Such persons would not trust to men but laws; not to will but principle; they could know little of the character of the persons who wielded the chief authority here; but, hearing of such a law as this, they could not confide in the humanity of the country: and if such persons did trust to our faith, and throw themselves on our protection, they came with a brand on their forehead, the mark and distinction of a cruel and barbarous ingenuity to insult and degrade them. It was also to be taken into the account, that the bill, as now proposed to be renewed, arose out of the calamities which had befallen the fairest portion of Europe—the oppression, domestic and foreign, which had desolated Italy, and driven her patriotic youth, notwithstanding the existence of the Alien bill, to seek a hospitable asylum on our shore, relying on the former character of England—trusting to her ancient fame, and the very reputation of her soil, which offered of old, emancipation to the slave and security to the fugitive. But, instead of this generous policy, we were now planting menacing sentinels at the gates of this country, to deter the victims of foreign oppression, and drive them back from our land of freedom upon the mercy of their tyrants. It had been said with exultation, that the Alien bill was a popular bill. He did not believe it to be so; but if it were a popular measure, and founded upon any popular prejudice—such, for instance, as a cry of "No Popery," or "Down with foreigners," he would struggle against it with all his ability. Even if the mighty master of moral eloquence had said, that foreigners were not entitled to that protection which the law extended to those born within its immediate jurisdiction, he would deny the doctrine; but no such monstrous principle had ever obtained a dwelling in his capacious mind. On the contrary, he had said in his own nervous and energetic language, "Qui autem civium rationem habendam esse dicunt, externorum negant, hi dirimunt humani generis societatem; qua sublata beneficentia, liberalitas, humanitas, justitia, funditus tollitur." It was said, that it was necessary to pass the Alien bill, because the age we lived in was an age of revolution. He could scarcely have expected that such a reason would be urged for the continuance of so abominable a measure: he should rather have expected to have heard the argument pressed the other way. He should have thought it advisable to leave one country at least open to the vanquished party, as a place of refuge from injury and oppression; he should have thought it expedient to establish such an asylum, if not to prevent them from being driven to despair, at least to give time to the victor to sooth his rage and soften his animosity. He should have thought that to enclose the victor and the vanquished in the same country, was a measure so abhorrent from every principle of humanity, that no civilized nation would sanction it. To permit the victorious party to wreak the whole force of his vengeance upon the defeated party, was sure to lead to the most disgusting scenes of rapine and bloodshed—to deprive the vanquished party of every place in which they could be protected from the severity of their opponents, was to compel them to look for safety in interminable warfare, to tell them, that their only chance of safety was despair—"Una salus victis, nullam sperare salutem." The hon. and learned member then alluded to the provisions of Magna Charta in behalf of foreigners, and said, that from the earliest times down to the present they had been the subject of many a proud eulogy on this country in the volumes of foreign jurists. It was no recommendation of the modern policy of this country, to find that the tendency of one of its principal measures had been, to deprive the policy of our ancestors of that praise which foreign nations had so universally conceded to it. It was no recommendation of our present ministers to discover that they, the enemies of innovation as they styled themselves, had been reduced to the necessity of stripping their country of its ancient privilege of giving emancipation to every slave, and protection to every fugitive, that came within its shores; and that they had desecrated that soil which had been consecrated by the footsteps of so many martyrs in the cause of faith and freedom. The whole policy of our antient laws tended to encourage aliens to settle among us; and the restoration of the law, giving them in all cases a jury *de medietate linguæ*, after it had been abrogated more than a century, proved how anxious our ancestors were that their interests should suffer no detriment. This

bill, however, instead of providing that in all trials they should have a fair and impartial jury, sent them out of the country without a trial by jury, and indeed without any trial at all. From the state of our ancient laws, he argued that our ancestors, barbarians as some persons thought proper to style them, had nothing barbarous in their legislation on this subject. Those who wished to alter what they had enacted, at the same time that they were not improving the system of our laws, were depriving themselves of the power of raising the cry of innovation against others by becoming the greatest of all innovators themselves. *Stare super vias antiquas*, which had been their motto and their maxim, was now abandoned; and they who had so long declaimed upon the wisdom of our ancestors, were now among the first to abjure and abandon it.—He would now proceed to consider this bill in relation to the present circumstances of Europe, and the policy of the English cabinet. He took the ground of the bill to be this—the minister says, that unless a power be vested in the Crown to remove foreigners at pleasure, conspiracies will be entered into against the peace and happiness of foreign kingdoms. No facts, however, had been offered in support of this allegation, which rested solely on the responsibility of the minister who made it. Now, there were several things assumed in it which required explanation. He wished to ask gentlemen on the other side of the House, whether the prevention of conspiracy against foreign governments was a duty which, according to the law of nations, one friendly country was obliged to perform to another, and whether the neglect of that duty was a legitimate cause of complaint? If they replied, that it was our duty to prevent such conspiracies, then he maintained that it was likewise our duty to use means to detect them; or, in other words, to have a regular establishment of spies for that purpose. We must have a department of spies for the French government, another for the Russian, a third for the Austrian, a fourth for the Prussian, and a fifth for any other arbitrary and despotic government that might exist—indeed, we must have for the Turkish department more than for any other—for that most sacred and legitimate government seemed more endangered at present than all the rest—a battalion of spies regularly arrayed, organized, pensioned, and rewarded. No man would deny that if we were bound to accomplish the end, we were also bound to use the necessary means. But he denied that we were bound to accomplish this end: he defied the gentlemen on the other side to find a single word in any writer on the law of nations warranting such a conclusion. If we were bound to be thus subservient to the government of foreign nations, we were bound also to go much farther: we were bound to expel from our shores any foreigner whom they thought proper to designate as a person dangerous to the tranquillity of their states. But, in 1803, when Buonaparte made such a demand of us, and made it because we had then an Alien bill in existence, we manfully resisted it and would not consent to banish the Bourbons from England, though their residence in it was, no doubt, a just cause of alarm to that extraordinary character. Indeed, if such a principle were once adopted, a power of proscription would be given to every foreign government over its subjects resident in this country, which, if ever denied, would afford just grounds of hostility to the party refused. In the foreign enlistment bill, we had given the minister authority to prevent any armaments being publickly arrayed in this nation against any foreign power: by the present bill we gave him still further powers, and authorized him to prevent any secret consultations against them. He had three objections to the practice which it was now attempted to establish: first, that it had no foundation in the law of nations: secondly, that it was not warranted by ancient practice; and, thirdly, that it was a surrender of the sovereignty of the nation. But it was said, that this law was directed against conspiracies. Conspiracies against what, and by whom? And first, what was the nature of the law itself? It was a law entirely in favour of the party that was powerful, and entirely fatal to the party that was weak. It was a law framed for the use of all governments, however despotic and absolute, and against all nations, however injured and oppressed. It was a law for the support of all who were prepared to carry the monarchical principle of government with fire and sword, and scaffold, and dungeon, against the groans and struggles of every suffering people. It was a law to uphold those who would remorselessly lay waste the world, and against the extension of either sympathy or pity to generous and innocent subjects. What, *too*, were to be the

qualifications of the parties who were to be exposed to its penalties? Were they those against whom the heaviest engine of arbitrary law ought to be pointed? No: they were the expelled, the fallen, the miserable. The strong could not feel it, for, if successful, they defied its power: the triumphant laughed at the edict: it could only, then, fall upon those whose fate it was to fly from a tyranny which they were unable to resist, and who were then to be thrown back, hopeless and helpless, upon the shores of the barbarous tyrants from whose fangs they vainly thought they had escaped. And by what country were they to be so cast away? By England, a nation once famed for its generous hospitality, and always renowned for its noble spirit of liberty. This law was not only adverse to the whole spirit of British jurisprudence, but contrary to the whole tenour and spirit of their legislation. Under what circumstances was it called for? Look at the merits and demerits of the parties for and against whom it was to be made. Let them weigh the value of the neutrality of those powers who wanted an Alien bill, with the sufferings which its enactment would inflict upon an oppressed and degraded people. Let the momentous question of the public honour of the Allies be estimated by their neutral faith: by that test let us try the merits of the whole Holy Alliance; let it be tried by an invaluable document published last year, and which ought never to be forgotten—he meant the first general epistle of the noble marquis opposite to the faithful. That epistle threw a light upon those suffering members of the Holy Alliance who now claimed the aid of a British act of parliament. To the demand then made of co-operation and participation on the part of England, the noble marquis replied—"If we accede to your request, it will be a fundamental breach of the laws of the land." That was telling the Holy Alliance—"We cannot let you pour foreign armies into England under the pretence of arresting foreign enemies: we cannot permit Siberian and Croatian hordes to infest this land, in order to exterminate the victims of your rapacity. [Cheers.] *Non meus hic sermo*; the language was the noble lord's. Was not the very proposition enough to startle any man imbued with the spirit of freedom? The mere offer to introduce armies of foreign barbarians upon the shores of his native land, independent of their direful purpose, was enough to make the blood of every Englishman boil in his veins. This Holy Alliance thought it quite legitimate to propose a new code of laws to the nations of Europe—to remodel and unsettle at pleasure all the long established international usages, all the rules of right and wrong prescriptively acknowledged and acquiesced in by independent states. The noble marquis, in his memorable letter, also said, that the principles propounded by the Holy Alliance in their specific application to England at the time, would destroy the independence of all nations, and the right of all subjects; and yet, after such a declaration of their views, he called for this bill to enable them the better to execute their detestable purpose. Against which of their own subjects do these despots want protection?—against the unhappy and oppressed people of Italy, the most afflicted specimen, now in Europe, of relentless cruelty and suffering? These unhappy men were seized by their oppressors, and, as if no prisons in Italy were severe enough for their entombment, they were sent to Hungarian fortresses, sunk in the midst of surrounding marshes, to linger out, amid incidental disease, a wretched existence—"to die so slowly that none can call it murder." He knew the fact of a Roman nobleman, residing within the ecclesiastical states, who was seized and dragged from that neutral territory by Austrian troops: he was hurried to Venice, there tried by a secret tribunal, and condemned to death by their award. This sentence, by a pretended mercy, was commuted—commuted did he say?—to 20 years imprisonment in a Venetian dungeon, covered with water: the imprisonment was to be solitary: only half an hour a day was to be allowed for exercise, until death in pity should come to the rescue of the sufferer! Ask any English gentleman, who had lately travelled in Italy, whether he had not seen men of education and talents, working in chains on the highways and public works of Lombardy and Piedmont, for alleged political offences. He could name the cases, and particularise his sources of information, were it not dangerous to expose the yet unimmolated parties to that system of *espionage*, which reigned throughout Europe. He used a foreign word with repugnance in an English speech; but on this occasion, he rejoiced that the ancient language of freemen contained no word to express that odious system: its

plain and manly structure required not the use of a phrase, which the habits of its people scorned to employ. He had promised to show how far the faith of neutrality was recognized by these high contracting powers. He would show it by a reference to their most solemn acts. Let the House refer to the allied treaties signed on the 20th November, 1815. At that date several acts were executed in Paris, in pursuance of other great treaties which had been framed and adopted in the course of that year, and among them was a remarkable declaration respecting the integrity and neutrality of Switzerland, which was framed and executed by the powers engaged in the previous congress at Vienna. He would quote this declaration to shew the good faith which marked the conduct of these great league breakers —these shameless violators of their most formal and deliberate pledges. The powers who signed the declaration recognized in the most full and solemn manner the perpetual neutrality of Switzerland, and guaranteed the integrity and inviolability of its territory. This was signed by the ministers of Russia, France, Prussia, England, and subsequently ratified and confirmed by prince Metternich on the part of Austria, in a sentence of barbarous Latin, written in the true style of the German chancery. How had that solemnly acknowledged neutrality been permitted to rest? The Cantons of Switzerland had been, by prescriptive usage, the admitted asylum of the persecuted. Those who fled on the revocation of the edict of Nantes were not disturbed in their retreat by the tyrant from whom they fled, and who was at that moment upon the most intoxicated elevation of his power. Not so was the fate of those who sought refuge from the fangs of the Holy Alliance—not so was the forbearance of those who had signed the treaty of the Holy Alliance. Austria, the same Austria for which prince Metternich had signed the integrity and inviolability of Switzerland, called for the *extra-tradition* (that was the phrase) from Switzerland of some Italians who had sought an asylum there from the persecution of the Austrian authorities. Upon that requisition, some of the states of Switzerland behaved with pusillanimity towards these unfortunate refugees. But let justice be done these smaller states. Which more deserved indignation for the act—the feeble government acted on by fear, and doomed from necessity to consent; or the powerful state who compelled obedience by the threat of overawing force? Amid this compulsory yielding to power, the canton of Geneva set an honourable exception. They rejected this demand to sacrifice their honour. What was the consequence? Three Austrian commissaries returned to Geneva and informed the magistracy, that if they did not expel these Italian refugees at a moment's notice, they must prepare to incur the responsibility of refusing the demand of Austria, and risk the consequences. This was the threat of war from the great power bound to respect the smaller. Was not this a daring infraction of the sacred faith of treaties? Where, then, was the remonstrance of Great Britain, a party to that treaty? What did her minister, who now called for this Alien bill, say to the Austrian maker and breaker of guarantee? Where was the indication of dissent from so faithless an infraction of a treaty binding upon all? Was it to be found in the passing of this Alien bill, which in effect went to pass one undistinguishing censure upon the struggles of the oppressed, to shake off the grinding chain of their oppressors, and to record one approving and assenting voice to the acts of the Holy Alliance? Geneva had saved its honour; but the Italian refugees were compelled to fly to Mount Jura. Whither they turned their steps afterwards he could not say: towards Italy they dared not look, for Austria was their persecutor! If they turned towards France, a warning voice might meet them, exclaiming, in a hollow sepulchral tone, "*fuge crudeles terras.*" [Hear, hear.]—He felt he was exhausting the patience of the House. He could see, from the smiles and contemptuous expressions of the gentlemen opposite, that he was improperly detaining them from enacting a bill which they were determined must pass. He felt he was discharging a very painful duty. [Cheers from both sides of the House.] He did not wish to misinterpret the feelings of those gentlemen, but he thought himself entitled to express his astonishment at the course they had pursued. They had challenged those who concurred with him in hostility to this bill to argue against the propriety of its enactment—as if such a bill required no apology for its introduction, no justification of its necessity, as a departure from the laws and usages of this country and the world—as if the burthen of negative proof lay upon the opposers

of a measure at once violating established law and uniform policy, and as if no previous ground-work ought to be laid for the admission of such a principle as this law involved into the jurisprudence of such a country as England. Ought not, in fair sense and reasoning, the introducers of such a measure to explain its necessity? Was it because despotic principles were suffered to scourge mankind in other parts of Europe, that in England they should be introduced as a matter of course? Suppose, for instance, the great emperor of all the Russias, whose mouth was always full of pious ejaculations, and whose ear was always open to the liberalization of mankind, was to suspect the allegiance and fidelity of Poland; and to imagine that the Poles, unmindful of the good faith, the humanity and justice which attached to every act of their conquest, were even to go so far as to question the liberality, and to doubt the performance of the promise of his humane and pious grandmother of glorious and blessed memory, [A laugh,] were even to go so far as ungratefully to become refugees, and traitorously to conspire for the restoration of their ancient monarchy—a monarchy recognized by the civilized world before Muscovy had emerged from the lowest barbarism, whose Czar was tributary to the Polish monarchy in other times—suppose such a struggle were made by these Poles against their oppressors and betrayers—was there a single Englishman, who, whatever might be his political attachments, would not exclaim—"May God bless the Poles, and give them success in their struggle to regain their station in the world—may justice, though late, overtake their murderous and atrocious spoliators!" The passing of this bill was, however, not only a denunciation against the struggles of the oppressed upon the continent, but a general declaration of war against the principle of revolution all over the world—a declaration which went to stigmatize, not only the laws of their country, but the memory of their ancestors. Were they to arraign their forefathers as traitors and rebels for extorting Magna Charta, by resistance to a tyrannical king? What established the British constitution but open resistance? Not only was its establishment founded upon resistance, but to that principle it owed its successive improvement. What established the last revolution which England had achieved? Resistance to tyrannical power. What enthroned the present reigning family? Resistance to a despot. What else arrayed the people in every revolution however just, against every government however tyrannical? There was a consolation in this description of their efforts of which no tyrant could deprive the sufferer. A modern poet of great celebrity had so indulged his fancy, when speaking of the Holy Alliance of his time, and the inroads made upon national liberty—

"While European freedom still withstands
The encroaching flood which drowns her lessening lands,
She sees far off, with an indignant groan,
Her native plains and empires once her own."

He had only one subject more to glance at, namely, the treatment of the Ionian Islands, and the connexion of that topic with the present question. The only justifiable motive for England assuming the protectorship of those states must have been to separate them from Russia, and to exercise over them an influence useful to the Ionians and honourable to Great Britain. Had that only legitimate motive been preserved, or was not the policy pursued towards those states the reverse of justice, and in open violation of the feelings of those who ought to have been the objects of British protection? It was impossible to prevent the people of the Ionian Islands from assisting their fellow countrymen, unless by the adoption of tyrannical measures; and therefore he was of opinion that the lord high commissioner must have acted tyrannically, if he had endeavoured to carry into effect the neutrality which had been spoken of. He did not mean to say that this country ought to involve itself in war on account of the Greeks; but he opposed the bill, because it rendered us liable to complaints on the part of foreign powers which might lead to hostilities at a future time. He knew nothing of the plans or expectations of the Greeks. Whether Russia, who during the last twelve months had, by a very practical demonstration, encouraged the revolt of the Greeks, would, for the second time, desert them, and expose that unhappy people to the massacres and horrors to which her cruel perfidy had subjected them in 1770—whether Russia would be persuaded by the Holy Alliance thus to abandon the Christian Greeks for the Mohammedan Turks; and whether the Greeks possessed any means of making a stand against their barbarous oppressors—as he trusted in God they did—these were questions upon which his feelings were

strong, but his information was imperfect. He trusted that the generous people of this country would not allow their government to join in the oppression of a renowned race, though now "fallen from their high estate," who called upon them for compassion in the language of Socrates, and implored their assistance by the sign of the Cross. The hon. and learned gentleman concluded with moving as an amendment, "that the bill be read a second time on this day six months."

Mr. *Plunkett* said, it was impossible for his hon. and learned friend to address any assembly without deeply riveting its attention. His hon. and learned friend possessed powers which enabled him to give an interest to any circumstance which he thought was connected with the subject of debate, and to press into his service arguments and matters, which, in the hand of any other person, would be deemed foolish and irrelevant. The truth of this had perhaps, never been more strikingly exemplified, than by the uninterrupted attention with which the speech of his hon. and learned friend had been listened to on the present occasion. It would be his (Mr. P's) task to draw back the attention of the House to the question before them, from the consideration of which they had been diverted by the speech just delivered. The House would excuse him if he did not attempt to follow his hon. and learned friend, supposing he had the ability to do so, through the unexpected range which he had taken. The question was not with respect to the actual relations of this country with Russia, Austria, Italy, Turkey or Greece, or the relations which we might hereafter have with Russia, in the event of a revolution taking place in Poland; the question was not what was or what might be the state of Europe, but whether the Alien bill should be allowed to continue in force for two years longer. He felt that a considerable difficulty was imposed on him in presuming to offer his opinion upon a subject involving so many constitutional questions. The difficulty of his situation was not a little augmented, by the tone which had prevailed in the debate of a former night, as well as upon the present occasion, which was of such a nature as almost to render it necessary for any person who proposed to sustain the measure, to enter on a defence of himself. [Much cheering from the Opposition.] And he was compelled to do this, too, the House would give him leave to say, under circumstances very discouraging [Cheers from the Opposition] since they warranted him in supposing that he would not receive an impartial hearing. If the hon. members opposite thought they were adding to the strength of their side of the question, or that they could put him off his guard by their unmeasured cheering, they were much mistaken. He would not be put down by applause;—he would proceed with an unruffled temper, equally indifferent to the applauses or the censure which might be more directly applied to his observations. He should feel a little apprehensive in measuring his strength with that of his hon. and learned friend, if he were not backed by authority far greater than any weight which could attach to him individually. The Alien bill had been passed in four successive parliaments, and had received the approbation of some of the wisest men this country could boast. During the whole progress of the measure, not one complaint against it had proceeded from the people of England, except a solitary petition from Westminster. When he considered these things, some of the apprehensions which he felt at having his hon. and learned friend for an antagonist were removed, and, with the parliament and the people of England at his back, he was no longer afraid to meet him. It had been said, that the people of England exhibited apathy upon every question in which their own interests were not concerned. If his hon. and learned friend was no better acquainted with the affairs of foreign countries than he appeared to be with the temper and genius of the people of England, he (Mr. P.) could not attach much credit to his authority. It was not the character of the people of England to display apathy upon any question which concerned the liberties of mankind. If the bill before the House were a measure the object of which was, as his hon. and learned friend stated, to put out of the pale of the law 25,000 British subjects, or even one of that number, the country, from one end to the other, would ring with complaints against it. The acquiescence of the people of England in the propriety of the bill did not originate in any selfish or vulgar prejudice; it did not proceed from a "No popery" feeling, from any hostility towards religion or country; but it was the result of the solid good sense by which the English nation were characterized. He

would attempt to set the bill right in the judgment of the House, by stating, not what it had done, but what it had not done. His hon. and learned friend had talked of the bill putting out of the pale of the law 25,000 British subjects. He had described it as being unfit for any civilized society, and as constituting the trifling difference between liberty and slavery—between Middlesex and Morocco. Now, he would contend, that the bill did not touch on any one of the rights to which aliens at any period of our history had been entitled; but it left them, whilst they remained in the country, in the full possession of all the privileges to which they at any time had been entitled. One would imagine from the terms which had been applied to the bill, that it proposed to take away the trial by jury, the writ of habeas corpus, in short to leave the country in a state of complete slavery. But was this the fact? Certainly not. Notwithstanding the provisions of the bill, aliens were left in possession of every privilege given by the constitution to the subjects of Great Britain. If his hon. and learned friend, in the variety of the information which he appeared to possess with respect to foreign countries, and which he was in the habit of stating for the benefit of the House, could declare, that the people of Morocco were in possession of similar privileges, then he (Mr. P.) would confess that the bill only made the difference between Middlesex and Morocco. The power of removing aliens from the country had been known to the constitution as far back as any traces of the civil history could be found. The right of removing aliens from the soil was possessed by every nation in Europe. It formed a part of the law of nations. It was a right exercised by every government of Europe, whether free or despotic—whether a monarchy or a republic. Under these circumstances, it was rather hard to say, that the measure was now for the first time introduced into this country. The measure was not one of novelty, but was founded on ancient practice, and was intended to regulate that practice, according to the circumstances of the present times. Of the existence of a power to send aliens out of the country there could be no doubt. The next question then was, in what part of the state did this power reside? If the existence of the power were admitted, he thought it must be admitted that its exercise rested with the executive part of the government. The powers of the Crown, in analogous cases, were so distinct and clear, that they could not fail to satisfy any person who directed his mind to an investigation of the subject. The allegiance which an alien proffered to the supreme power in this country was conditional and temporary; and in this respect it differed from that of the native born, which was permanent. The allegiance of the alien might be withdrawn when he himself pleased to quit the country, or when his sovereign should compel him to do so. Exactly, therefore, in proportion as the allegiance of the alien was limited, was the protection afforded him by the Crown circumscribed. The terms were reciprocal. If the alien thought our government was a hard task-master, he might withdraw himself from its power; and if, on the other hand, the government considered the alien a dangerous subject, it might compel him to depart from the country. It was the undoubted prerogative of the Crown to prevent its subjects from leaving the country, which was done by a writ of *ne exeat regno*. The Crown could also compel subjects resident abroad to return hither; and it was also the prerogative of the Crown to prevent foreigners from entering the country without a safe conduct. From the existence of these prerogatives, it might reasonably be inferred, that the power of sending foreigners out of the country was also vested in the Crown. The exercise of the power of sending aliens out of the country properly belonged to the Crown, on many accounts. The Crown was the only representative of the country with foreign powers. If a subject of this country gave offence to a foreign court, complaint would be made to the Crown. If the offence should ultimately lead to hostilities, the Crown would have to declare war. His hon. and learned friend had declared himself unsatisfied with the existence of the prerogative. He would not allow it to have existed unless it could be proved by ancient, uninterrupted usage, or by legislative enactments, or by decisions in Westminster-hall. He thought that some answer had been given to the hon. and learned gentleman upon this point on a former evening, when it was shown that five instances of the exercise of this prerogative had occurred in the reign of Queen Elizabeth. His hon. and learned friend, however, said that those instances

were too remote, and he required a modern example. It was not fair in the hon. and learned gentleman thus to take sanctuary in antiquity when it served his purpose, and to turn it away from him when he could no longer profit by adhering to it. He did not think it was probable that any decision could be found in Westminster-hall applicable to the question; for if, as he contended, the prerogative were clear, it was not likely that it would have been made the subject of a contest in Westminster-hall. He had never met with any such decision, and none such had been cited during the debate. He was convinced that if the same test were applied to try the prerogative of the Crown in dealing with alien enemies, as was applied to try that which concerned alien friends, it would be found equally vulnerable. He would admit that the prerogative was liable to be controlled by the legislature, and he did not mean to assert that it was not of a nature which rendered it necessary that it should be very cautiously exercised. It had been asked, how the power which was now contended for, if it were so essential, had been allowed to lie dormant, from the period of the revolution, until almost the present time? He would answer, that from the revolution down to the year 1793, when the Alien bill was first passed, the danger which the country had to deal with did not arise from alien enemies. A new succession was on the throne, and its enemies were chiefly its own subjects residing abroad. This country, then, had to contend with foreign armies, foreign treasuries, and foreign councils; and it opposed them with armies in the field, and not with Alien laws. This was a war, not against the constitution, but the throne. It was not a war of principles, but of passions. But in 1793, a recurrence to the old prerogative became necessary, because at that time a war of principles was raging. Attempts were made to sap the foundations of the government, and foreign emissaries were employed in corrupting the morals of the people of this country. [Cheers.] Was this not the case? He knew that in 1793 it was declared, that it was not, in the same high tone which had been assumed during the present debate; but the bitter fruit of experience, which had been chewed by every person in this country, showed that it was. He asked whether the measures resorted to in 1793 were not necessary? He heard no loud cheering from gentlemen opposite when he referred to that period. It was then that a revolutionary devil had taken possession of the throne and the public mind of France. The people of that country had been freed from slavery; but they were not yet prepared for liberty, and their governers had formed a scheme for spreading the poison which was engendered on their own soil over the rest of the world. The measures adopted in 1793 had been scouted and ridiculed by some persons at that time; but he believed there was not one of those individuals now alive who would not acknowledge that he had acted unwisely. To the measures adopted at that period, the country was indebted for its existence. [Hear, hear, from the Opposition.] If those measures had not been resorted to, the House would not now have been debating. Could any man doubt, that if the government had not acted as it did in 1793, this country would have fallen a victim to the spirit of domination which was then abroad?—With respect to the present bill, did it close the door against aliens? Did it prevent their arrival in this country. He would desire to be shown the part of the bill that would go that extent. He would inform the House how the bill dealt with foreigners coming to this country. Let members hear it with Christian ears, and refrain from tears if they could! Aliens, upon arriving in this country, were placed under the hard, the iron necessity of giving in their names and receiving a certificate; and then they were at liberty to go to any part of the kingdom they liked best. He admitted that this regulation might be inconvenient to foreigners, but it was not that grievance which his hon. and learned friend had represented it. In his opinion, the bill was the kindest and mildest measure that could be resorted to. It left the people of this country at liberty to exercise that hospitality for which they had always been celebrated; and England, under its operation, might still be an asylum for the oppressed and persecuted of all nations. If the act had not been resorted to, a system of police more severe than had ever yet been known in England must have been adopted, and the treatment of individuals would have been much more rigorous than at present. His hon. and learned friend had argued upon the hardship of denying the accused the benefit of counsel, and of refusing to suffer him to meet his accuser.

face to face. Now, he appealed to the candour, to the good sense of the House, whether, in the nature of things, those privileges could be conceded? The Alien act did not require that a person should be accused of a precise and definite crime. Its object and policy was, to provide, that the government of the country, if it found that the residence of foreigners was dangerous to the peace and tranquillity of the country, might be empowered to remove them, although they might not be charged with the commission of any specific crime. The prerogative of the Crown in this country, and in every other, had, he apprehended always exercised that power.—But he now came to that part of the subject upon which discussion might be exercised with most advantage; namely, whether it was now expedient to continue those measures, which, from the conclusion of the peace in 1814, it had been found necessary to resort to? That question was liable to be considered in one or two points of view. It might be viewed in the first place, with reference to the condition of British subjects; and in the second, with reference to the relations existing between this and other powers. On the first part of the question he felt that he was more fitted to receive information than to offer it to the House. He would, however, state his opinions on the subject, and leave it to the House to judge of their correctness. If he were now asked whether he thought that the same revolutionary spirit existed in this country which existed when the act was first resorted to in 1793, he was perfectly ready to answer that he did not. The higher classes had taken a lesson from bitter experience, and were now free from the revolutionary mania. The lower classes, also, were in a great measure cured of the folly which once possessed them, partly by wise and salutary laws which it had been found necessary to enact, and still more by the freedom and vigour of the institutions of the country. It was chiefly owing to the unparalleled freedom which prevailed in this country, that the idol flag of French revolution had been put down. The hollow phantoms which had been dressed up by the anarchists of France in the semblance of liberty, had been rebuked by the free and noble spirit of the people of this country, and for the most part put down; and, if any still existed, they were only to be found flitting and hovering in obscurity. He did not believe that any prospect of a rebellion existed in this country; and he thought that the adoption of a proper system of police would be adequate to put down any improper spirit in Ireland. But it would be allowed, that though no rebellion was to be feared, yet all classes of the community had a right to expect protection from an indiscriminate influx of foreigners. With respect to our domestic arrangements, therefore, no further observations were necessary. He would hasten to the more material point of observation; namely, the relation between this and other countries. He believed that about 25,000 foreigners were now in the country. It was known, that in the countries from whence many of them came revolution was at work. Of the 25,000 foreigners to whom he had alluded, the greatest part, he believed, had come here for the best purpose; he considered many of them as useful acquisitions to any country, and others as flying here as to a place of refuge and security. But on the other hand, he believed that many of those foreigners entertained dangerous and revolutionary principles; and against this class the people of England had a right to be protected.—His hon. and learned friend had dwelt at some length on the question how far persons flying to this country from the punishment due to crimes committed in another country had a claim to our protection. But let that question be decided as it might, he thought it would be conceded that the government of this country had a right to secure itself from being involved by those persons in transactions which might break in upon our engagements with other nations. This was not giving up the constitution, or giving up freedom, for the same constitution that had given us liberty had given us the power of preserving it. The more free our constitution was, the more unrivalled were our privileges, so much the more necessary it was to guard and protect them. It was true, that the moment a foreign slave landed in England, from that moment he was free; he was under the protection of British laws and entitled to the security of a British subject. But he would say, that if those privileges were unalienable, they ought to be preserved from being abated with persons cast out of other nations by their crimes, and resorting to this country not merely to avoid the punishment due to those crimes, but to make it the theatre of their future operations. Such a power had been ex-

ercised by every country in the world. If it were shewn to be inconsistent with the British constitution, then he was prepared to give it up; but he contended, that no such inconsistency could be found, and that the hon. and learned member who had assumed it had done so without argument, and without authority.—If he had not already fatigued the House he would advert to another point which had been much dwelt on in the course of the hon. and learned gentleman's speech, and that was, how far one country had a right to punish the subject of another country when residing in the former, and there committing crimes against the latter? His right hon. friend had, on a former evening, laid down the distinction which ought to exist between persons flying to this country as a refuge to avoid punishment for former crimes, and those who resorted hither merely for the purpose of committing new crimes against their own country. He would not say that cases might not be found in which persons flying to this country for refuge had not been refused; but he looked upon those cases as exceptions rather than interferences with the rule; and he was disposed, in the present argument, to take the case as though a distinct line had been drawn between the two situations to which he had alluded. For his own part, he was not aware it had been decided that the subject of a foreign country could be punished here for crimes committed against that country. The case of Peltier had been cited as a case in point; but that was a case of libel against a single individual, in which the individual libelled sought personal redress. The case, therefore, was different from that of an individual committing crimes against his own government. The case of the emperor of Russia, was also a case of libel, and therefore not applicable to the present part of the subject. But whether that were or were not, the law, would it be politic to enforce such a law if it existed? In his own opinion it would be exceedingly unwise; because, in the first place, those crimes which amounted to treason against the other states would only be punished as misdemeanors in this; and the punishment here would be unsuitable and inadequate to the crime, while the trial of the individual in this country might operate to his prejudice, if brought to trial in that country against which the crime had been committed. But it was chiefly objectionable in his opinion, because it compelled us to become parties to the politics of other states. What then was the alternative if no such law existed, or if existing, it was impolitic to act under it? How were our relations with other nations to be sustained? What alternative could exist, but that of sending out of the country the persons likely to interrupt those relations? The government of England said to those persons, "we are not your judges, we know nothing of your disputes with your own government, but this country shall not become the theatre of conspiracy, and you shall not abuse the privilege which our constitution gives you." He might be told that extreme cases might arise out of this system, and that individuals might be sent from this to other countries to endure the severest tortures. He knew no cases which were not liable to abuse; but the hon. and learned member had argued the entire case. He had first argued as if this country were intended for the convenience of aliens alone, without once recollecting that there were such persons as British subjects in existence. That was one trifling mistake. Another mistake into which he had fallen was, that he had stated imaginable mischiefs, which might arise from extreme cases, and had argued upon those imaginable mischiefs as though they had been the end and object of the act. He must say, that he knew no responsibility more delicate than that cast upon government in regulating the intercourse between this and for[illegible]ations. A case had been put of giv[illegible] persons residing in this country to ev[illegible] demand of the country to which they belonged. Now, he would say, that if no other motive existed, it would be impossible for the government to be so dead to a sense of its own interest as to act so anomalously. It was what had never been done, and what he never could suspect ministers to be capable of doing. He should place confidence in government until their measures demonstrated that that confidence was misplaced. In a state of affairs of great delicacy and difficulty they had for a period of seven years preserved this country at peace with the continent; and he had yet to learn, that in the preservation of that peace they had compromised one particle of British honour, or sacrificed one particle of British freedom. The hon. and learned member would excuse him if he said, that he had felt more admiration while listening

to him, for the brilliancy of his eloquence, and the intenseness of his zeal than for the accuracy of his information or the soundness of his judgment. He had not yet seen any thing to prove to him that the government of this country would not abandon the interests of the country if they departed from the line of policy that they were now pursuing.—The hon. and learned member had imagined that the government of this country had contradicted its own circular in not resisting the interference of Austria with Italy. He wished to set the hon. and learned member right on that point. This country had never expressed an opinion that Austria had no right to interfere with Italy. We felt that our interests were not involved. In the same manner Austria had had no right as long as Italy confined itself to its internal management alone. But when the proceedings of Italy became of such a character as to affect the interest of Austria, then Austria had a right to interfere. That was the principle on which this country had continually acted with reference to the continent, and by adhering to it the revolutionary war had been gloriously terminated by the battle of Waterloo. For the same argument had been used throughout that war. It had then been argued, "What right have you to interfere with Bonaparte?" True; we had no right to interfere with him until his proceedings had invaded our own relations with the continent. That was the principle upon which they had [illegible] and he rejoiced that it had been pre[illegible] to the refined abstractions of the hon. and learned gentleman. Respecting Switzerland, he claimed the right of saying, that if that country had given up any refugees who had fled thither, as a matter of favour, to the state requiring them, it had not violated the independence guaranteed to its own states. But he believed that no person had been given up. Whether it had arisen from the precaution of the refugees, or from the connivance of government, he knew not, but he believed that in every instance the persons required to be delivered up had made their escape. —He was sure the House would not excuse him if he attempted to follow his hon. and learned friend through the extensive range which he had taken, with the map of Europe before him, through the states of Turkey, Russia, and Greece. He thought, however, it would be easy to shew that some of his positions were not consistent with each other. If all the alliances which the hon. and learned gentleman had recommended were to be entered into, they would not be found to be greatly in unison with each other. Did the hon. and learned gentleman mean that this country would be justified in going to war with the countries he had mentioned, in case its remonstrances were neglected? If there were no grounds for going to war, then how were our remonstrances to be followed up? Did he wish the matter to end in a general scolding match between the countries. This country held a station in Europe higher than she had ever held before. That station she owed, in the first place, to the part she had acted in rallying Europe round the standards of justice and freedom. [Cheers from the Opposition.] What! should he have said—against the patriotism of Buonaparte and to counteract his benevolent measures? He would repeat, that the high station of this country was owing to her conduct in rallying Europe round the standards of justice and freedom, against the unprincipled aggression of military despotism. Still more was this station obtained by the disinterested part she had acted since the conclusion of the war. Her station was, in the third place, indebted to the vigour and liberality of her free institutions. Those three causes had raised this country higher than all other countries, and higher than she had ever been herself before. As freedom, truth, and the interests of mankind were promoted by that preeminence, it was important to Europe and the world, that it should be maintained. He anticipated infinite good from the free discussions which now took place in every part of the world, and from the light which had been thrown on all countries. But nothing contributed more to this result than perfect neutrality on the part of this country. There was not at the bottom of this law any favouritism for any one country. It was directed against revolutionary movements in this country, whether directed against France, Austria, Russia, or the more favoured governments of Spain or Portugal. Our object was, to afford protection to every man when he did not endanger the safety of the country: but England ought not to be made the theatre of every revolutionary project.

Mr. *Scarlett* was surprised, that his right hon. and learned friend should have ar-

gued, that they who were opposed to the measure were bound to prove the non-existence of the prerogative. He differed *toto cælo* from his right hon. friend, in his assertion, that the law of nations gave power to a particular nation to exclude aliens. If a particular nation passed a law against aliens, the law of nations did not interfere with that nation; but if no such law was enacted by that nation, the law of nations said nothing on the subject. The law of nations was thus entirely out of the question. The next position of his right hon. and learned friend was, that the king of England must possess the power of sending aliens out of the country, for that he could prevent his subjects from leaving the kingdom. He would venture to deny the position. There was no example of a writ of *ne exeat regno* but by a court of justice. Where was the instance of a secretary of state issuing such a writ? Where of a privy council? It might as well be said that the king possessed the power of sending whom he pleased to prison, because the writ of *capias* ran in his name. The king had, indeed, a right to call back his subjects in time of war, but this was a belligerent right. If his right hon. friend contended only for the power of detaining subjects in the kingdom, or recalling them from other countries when their aid was required in time of war, then he went along with him; but such an argument had no application to the present question. From his right hon. friend he should have expected authorities since the revolution, and not references to the acts of the Edwards and the Henries of our history. Examples could be traced down for several centuries of the most absurd and cruel practices. He could cite cases of particular persons holding the exclusive privilege of measuring the cloth which aliens sold. The practice was continued down to the reign of Henry 4th, when a court of justice declared that the king had no right to give such a privilege. Lord Coke, when a member of that House, had contended for the right of the king to send to prison on the sign manual, without allowing the benefit of the habeas corpus. Examples innumerable had then been quoted, in support of such a doctrine. But if the king had a right to send aliens out of the country, this act was unnecessary. If the right existed, it might be expedient to regulate its exercise; but it would be unnecessary to give it by an act of this sort. The hon. and learned gentleman here referred to the 3rd of Henry 5th, and read passages of it to show, that such a power had been then granted by the parliament. If the king had a right to prevent aliens coming to this kingdom, he had a right to direct them to come to a particular part of the kingdom. But such a right was denied by a court of justice. Southampton had been appointed as the only place where foreign wines could be landed. In the reign of Philip and Mary this privilege was contested in the court of Exchequer, and it was found that the Crown had no such right. What occasion could there be for the statute which provides that half the jury on an alien should be foreigners, if the king could send him away at once? His right hon. friend ought to have found a solemn, regular, judicial decision, in support of his doctrine. Instead of that, he called on his opponents to produce a decision against him. This bill was not, therefore, designed for what was professed to be its object. If it were for such purposes as had been stated, why were not those purposes specified in the bill? He could conceive a measure of that kind which would call forth no objections. The present bill, which gave the secretary of state the absolute power, without responsibility, of sending aliens where he pleased, was a measure destitute of every character and feature of justice, and founded upon a spirit of despotism unknown to the law and constitution of the country. The power given by this bill was the purest tyranny that could possibly be placed in the hands of a minister of the Crown, and as an Englishman he naturally felt the strongest objection to enabling any minister to exercise such a power over the meanest or most unfortunate of mankind; for the power which he could not exercise over the greatest, he ought not to exercise over the humblest of human beings. This bill had already too long deformed the Statute book in time of peace, and he should therefore most cordially support the amendment.

Mr. Hume now moved, "that the debate be adjourned till Monday." Upon this the House divided: Ayes, 16; Noes, 166. The question, that the bill be now read a second time, being then put, the House again divided: When there appeared: Ayes, 108; Noes, 72: Majority for the second reading, 36.

List of the Minority.

Abercromby, J.	Lambton J. G.
Allen, J. H.	Lennard, J. B.
Anson, hon. G.	Mackintosh, sir J.
Baring, H.	Martin, J.
Barrett, S. M.	Milbank, M.
Bennet, hon. H. G.	Monck, J. B.
Brougham, H.	Moore, P.
Browne, D.	Newport, sir J.
Byng, G.	Nugent, lord
Calcraft, J.	Normanby, visc.
Calcraft, J. H.	Ord, W.
Cavendish, C.	Osborne, lord F.
Clifton, lord	Palmer, col.
Coffin, sir I.	Palmer, C. F.
Colbourne, N. R.	Pares, T.
Crompton, S.	Philips, G. jun.
Creevey, T.	Power, R.
Denison, W. J.	Powell, hon. W.
Dundas, hon. T.	Robinson, sir G.
Duncannon, visc.	Rice, T. S.
Ebrington, visc.	Robarts, A.
Fergusson, sir R. C.	Robarts, G.
Fitzroy, lord C.	Rumbold, C.
Folkestone, visc.	Scarlett, J.
Forbes, C.	Smith, W.
Graham, S.	Stanley, lord
Grattan, J.	Stewart, W. (Ty.)
Griffiths, J. W.	Tavistock, marq.
Guise, sir W.	Tierney, rt. hon. G.
Gurney, R.	Warre, J. A.
Gaskell, B.	Western, C. C.
Haldimand, W.	Williams, W.
Hobhouse, J. C.	Williams, John
Honywood, W. P.	Wilson, sir R.
Hume, J.	Wood, alderman
Hutchinson, C. H.	TELLERS.
Jervoise, J. P.	Althorp, visc.
Kennedy, T. F.	Denman, T.

HOUSE OF LORDS.

Monday, June 17.

NAVIGATION LAWS.] The Earl of *Liverpool* rose to move the second reading of the antient Commercial Statutes' Repeal bill, the Importation of Goods bill, and the Navigation act Amendment bill. He observed, that these three acts completed the revision of the Navigation law, and the statutes relative to foreign trade. The first bill, though it did not repeal all the ancient statutes relative to commerce, did repeal no less than 300 of them. This repeal, however, was not made by sweeping clauses: for each of the ancient acts was substantially recited or specially described. The bills before the House would rid the Statute book of many enactments now useless, and remove many difficulties with which the trade of the country was embarrassed. From the circumstance of so many statutes being grafted on our navigation laws, the legal questions connected with foreign trade had become a science, and persons got a livelihood—certainly a fair and honest one, but at the same time one far from being advantageous to the commerce of the country—by informing merchants what they could or could not do, according to law. The present bills repealed numerous statutes which had given rise to these difficulties. Under the system of regulations now brought forward, the departure was as little as possible from the old. The great object of the navigation act had been to give a preference to British shipping. Commercial navigation had been justly considered as the great nursery of our naval power, and therefore the policy of the country had always been, to hold out every encouragement to it, by restricting trade in foreign vessels. Their lordships were, however, aware that there had been exceptions to this policy. From the leading principle of our navigation laws, it followed that there ought to be no trade with the British colonies except in British ships, and no goods imported from any part of America, Asia, or Africa, except in British ships. This was accompanied by a second principle, which allowed all European countries to transmit goods to this country in their own ships. Considerable changes, however, having taken place in the political relations of the country, it had been found necessary occasionally to depart from the first of these principles. The first important infringement took place in 1786, when the American Intercourse act was passed. By that act, the United States were placed on the same footing as European states. This alteration was occasioned by the independence of the United States, after which the trade with America could never again be regulated on the narrow principle of a colonial trade. The same course of policy was now extended to South America, and the states in that continent might, like the United States, import goods in ships of their own. Thus a commercial intercourse would be opened with the independent parts of South America. With regard to Asia, Africa, and the colonial parts of America, the law would, generally speaking, remain unaltered; and goods could only be imported from these countries in British bottoms. Foreign ships might, however, bring goods, not for home consumption, but for exportation. They

might also, under certain conditions, bring from countries in Europe articles not the produce or manufacture of those countries. The result of the whole of the arrangements was, that the principle of the navigation laws had been adhered to as closely as possible; keeping always in view the great object of rendering this country the *entrepôt* of the merchandize of the world, and extending our own export trade. With regard to exportation, it might be truly said to have no limits, except the means of payment possessed by foreigners. The limited state of those means was the real cause of the distress our manufactures experienced. That limitation operated as a serious check on trade. It was obvious that if adequate returns could be obtained from abroad, an unlimited extension might be given to our commerce. This consideration had induced the abandonment of those narrow and contracted notions on which many ancient commercial statutes had been founded. The doctrine was no longer maintained, that to limit the trade of other countries was advantageous to our own. Indeed, precisely the contrary was the truth. Any measure which tended to increase the wealth of foreign nations was calculated to produce an increase of our own. The increase of the trade of foreign countries offered the best security against the distress of our manufacturers. On these principles the bills had been introduced.

The Earl of *Harewood* did not object to the principle stated by the noble earl as to freedom of commerce tending, by increasing the wealth of other countries, to augment our own, but thought, that to carry such a principle into full effect the means ought to be afforded to our own manufacturers of entering into competition with those of foreign countries; for instance, with regard to the woollen manufacture, the duty imposed upon foreign wool tended to increase the price of the manufactured article, so as to prevent it, in a great degree, from entering into that competition.

The bills were read a second time.

Earl *Bathurst* called the attention of the House to the Colonial Trade bill, and the West Indian and American Trade bill. The noble earl described the state of the law by which the trade between the United States and the West Indies was at present regulated, and the departures which had been made from the principle of the navigation law with respect to colonial intercourse. As the law now stood, American ships could carry the produce of the United States to foreign colonies, and that produce could afterwards be introduced into the free ports in the West Indies. Thus the articles wanted reached our islands through a circuitous channel. The object of the present measures, therefore, was, to permit that trade to be carried on directly, which was now carried on indirectly. It was, however, proposed to lay such a duty on the produce of the United States, as would give a fair preference to the produce of our own American colonies.

The Marquis of *Bute* said, that when measures were proposed which would give additional encouragement to the manufacture of sugar, it was to be feared that they might also increase the slave trade. He therefore wished some measure to be brought forward for the better registration of slaves. When an enactment for this object was proposed, it had been argued, that it was a matter which ought to be left to the colonies themselves. The legislatures of several of the colonies had indeed passed laws for the registration of slaves, but he doubted the efficiency of those acts. He was prepared to contend, that the parliament of the United Kingdom was competent to enact a general law for the registration of slaves. Such a law was strictly a measure of trade; and he never had heard the power of parliament to regulate the trade of the colonies disputed.

The bills were read a second time.

HOUSE OF COMMONS

Monday, June 17.

LABOURERS WAGES.] Mr. *Littleton* presented two petitions, one from the miners, iron-makers, and coal-masters of Dudley, praying, that the House would enjoin a more strict observance of the law, which directs that labourers should be paid only in money, and not in provisions or other commodities. The hon. member complained that the law was open to perpetual invasion; that it exposed the poor man to the hardship of taking such provisions, and at such prices, as the master chose; and that when the House came to legislate between the labourer and his employer they ought to be tender of the interests of the former. The health and industry of the poor man were his only portion, and, therefore, the House should

watch over them with the utmost solicitude.

Mr. *Robinson* was of opinion, that the existing law was bad, and that no law could be framed, that would not be evaded, and lead to perpetual interference between the employer and the employed. In some cases, masters might make payments to their labourers in provisions which were bad, but there was no way of preventing this but by the imposition of penalties; and, notwithstanding all the penalties that could be imposed, still it might be possible to evade the law. If such a law were to be re-enacted, he would object to it, upon the ground that it was at once unnecessary and inefficient.

Mr. *D. Gilbert* thought the law inefficacious and unnecessary. The competition of trade was as full a protection to the workman who was paid in provisions as to the man who received his wages in specie.

Mr. *Ricardo* thought it impossible to renew so obnoxious an act. Mr. Owen prided himself upon having introduced the provision system. He had opened a shop at New Lanark, in which he sold the best commodities to his workmen cheaper than they could be obtained elsewhere; and he was persuaded that the practice was a beneficial one.

Lord *Stanley* thought the measure injurious, as tending to excite misunderstanding between the labourer and the employer, which was very injurious to the former, as a labourer when turned out of one establishment could not easily find employment in another.

Mr. *Monck* objected to the payment of workmen in commodities, but not to paying them in provisions. On the continent, the practice of farmers was, to pay their labourers as much as possible in provisions; and the same practice would be extremely beneficial in this country. His hon. friend (Mr. Curwen) had adopted it with the greatest success.

Mr. *Hume* said, the practice in Scotland was, to pay in provision, and he had never seen that practice attended with ill consequences. He trusted the law would be repealed.

Ordered to lie on the table.

Scarcity of Provisions in Ireland.] Mr. *V. Fitzgerald* begged to ask a right hon. gentleman, what farther relief was contemplated for the distresses of Ireland; and how the funds already obtained had been applied? The awful situation of Ireland no longer admitted of delay. If any persons supposed that the charity of England, even added to the sums already voted by parliament, would be sufficient to meet the calamities of Ireland for the next six weeks, such persons deceived themselves.

Mr. *Goulburn* assured the right hon. gentleman, that, from the moment the Irish government determined to assist the people, every course had been taken which could expedite such assistance and render it available. A committee had been formed in Dublin, by order of the lord lieutenant, to communicate with those districts in which the greatest distress prevailed; and certain funds which had been left in the lord lieutenant's hands against exigency, by the act of 1817, had been immediately placed at that committee's disposal. In addition to this, he (Mr. G.) had submitted a measure for the employment of the poor upon public works. That measure was divided into two branches: the one empowering the lord lieutenant at once to use all sums which had been presented by grand juries for such public purposes: the other, placing a farther sum of 50,000*l.* at his command, and persons had been dispatched into those districts most distressed, with full authority to commence such plans as seemed most likely to give relief to the people. He believed that the works, in many places, had already commenced, and that relief to a considerable extent had followed. In common with the right hon. gentleman, he felt the calamity as a deep one. It was, however, satisfactory to know, that the distress was confined to a limited, and not very extensive, portion of the country; but still there was enough to call upon parliament for farther assistance when the present funds should be exhausted.

Mr. *John Smith* said, that, from facts which had come to his knowledge, as a member of the London Tavern committee, he could not but be surprised at the speech which the right hon. secretary had just delivered. The Dublin committee might have done all in its power, but it had not done sufficient in the way of relief; for the last accounts from Ireland were more calamitous than ever. He would state facts to the House, on which it might rely. In the county of Clare, there were now 99,639 persons subsisting on charity from hour to hour. In Cork,

there were 132,000 individuals, who must perish with hunger if they did not receive relief. In one barony of the county of Clare, many persons had actually perished from famine. It was for government to say what, under such circumstances, it meant to do; but the first duty of any government that was worth one farthing, was to protect its subjects from starvation. Enough had not been done, and therefore government ought to take more decisive measures.

Mr. *Spring Rice* said, that in the county of Limerick, out of a population of 67,000 persons, 20,000 were subsisting on charity. However great the sums placed at the disposal of the London Committee, it was impossible, even if they trebled their amount, that they could do more than relieve the present suffering, and that only in a very slight degree. He trusted that measures of employing the poor would be resorted to, and speedily; for while the legislature deliberated, the people perished.

Sir *E. O'Brien* said, that if an effort was not made to relieve the Irish before harvest, they would fall upon the new crop so eagerly and prematurely, that next year would be equal to this in misery.

Sir *J. Newport* said, that unless means were found to employ the population of Ireland, the foundation of an ulterior evil would be laid, which would not only exist through this or through the next year, but would strike at the root of all industry for a long period to come. Large as the means, and great as the benevolence of this country unquestionably were, those means and that benevolence were incapable of affording efficient relief, unless the means of existence were drawn from the immediate neighbourhood of the sufferers. The aid that might be afforded ought to take the shape of reward for labour, rather than that of a boon to mendicity.

Mr. Secretary *Peel* perfectly agreed with the right hon. baronet, that this was not a mere pecuniary question. The importance of the subject lifted it above the ordinary rules of financial calculation. The question was not, whether a sum of money should be advanced to Ireland. The Irish government were endeavouring to give relief in every possible way: not with strict regard to the principles of political economy, for unhappily the case was one that compelled them to set all ordinary rules at defiance. Engineers were engaged to see what works could be commenced, that would afford occupation to the people; and 6,000*l.* had already been appropriated, not for any public undertaking, but in order to effect improvements of a local and private nature.

SCOTCH BURGHS ACCOUNTS BILL.] On the motion for recommitting this bill, Mr. H. Drummond moved an instruction to the committee that they have power to divide the bill. This was agreed to, and on the motion that the Speaker do leave the chair,

Lord *A. Hamilton* declared his decided opposition to such a bill as the present being considered in any degree adequate to redress the abuses complained of by the inhabitants of the royal burghs of Scotland, and confirmed by the three reports of committees of that House. To call it a remedy for these admitted abuses, was a total misapplication of terms. No two things could be more opposite than the reports of the committees of that House and the bill of the learned lord. The bill referred only to the accounts of the burghs. Now, the regulation of the accounts did not constitute a tenth part of the admitted abuses in the administration of these burghs. It did not meet the paramount abuse of self-election, from which alone so many mischiefs originated. The learned lord was mistaken, if he thought such a measure would satisfy the petitioners. Since its introduction almost every royal burgh had petitioned against it. Not a solitary petition had been presented in its support. It was not in the nature of things, that with the feeling of burgh reform that existed in Scotland, such a bill could satisfy the just claims of the people.

The *Lord Advocate* said, he considered the bill consistent with the report of the committee up stairs, and that it went directly to remedy the evils complained of. He would receive with attention any amendment which was calculated to remove the grievances complained of, but he would oppose himself to any violation of the chartered rights of the royal burghs.

Mr. *J. P. Grant* denied that the bill was at all founded on the reports of the committees of that House. Those committees detailed a variety of abuses to which the present bill not even adverted. As to chartered rights, he knew of no rights, in virtue of which self-elected magistrates assumed the power to vote them-

selves into office in perpetuity, and to exercise an arbitary disposition over the property of others, and even the return of members to that House.

Mr. *Hume* denied that the bill afforded the smallest chance of relief. No effectual relief could be given, unless by a modification of the absurd and dangerous principle of self-election.* The defect of this measure was, that it did not go to the root of the evil. Its remedies were mere palliatives: the great spring of all the mischief was left untouched, provisions were enacted which could be of no real use, and proceedings in the Exchequer were to be instituted against a corrupt magistrate, which might not terminate, before the parties had descended into their graves. A great deal had been said with regard to the sacredness of chartered rights. Under this name, malversation, and all the varieties of abuse, had too long enjoyed impunity. It was not possible to point out a more wasteful or unjustifiable expenditure than that of the Scotch burghs. To correct this, was the avowed purpose for which the bill was introduced. The chartered rights, held up as worthy of so much reverence, had been violated whenever it was deemed expedient. What he complained of was, that this measure went to perpetuate that root of all the evil and corruption which they deplored, and the existence of which was no where denied —the power of self-election. Against the continuance of such a power he protested, and he must declare himself grievously disappointed that the learned lord had not introduced a more efficient measure. The learned lord had neglected the opportunity of realizing a permanent good for his country, and establishing on a solid basis his own reputation. Since, however, there were parts of the bill which some of his friends conceived might be beneficial, he would not resist its farther progress, although he feared that the effect would be, to perpetuate the system of self-election, and doom the inhabitants of Scotch burghs to a continuance of the abuses set forth in their petitions.

Mr. *W. Smith* could not but approve of that part of the measure by which legal proceedings might be commenced against a corrupt magistrate, and in the event of conviction a penalty of 500*l.* be imposed upon him. This would operate to remove a great deal of the temptation to do wrong, and he should not be sorry to see a similar provision extended to every part of the United Kingdom.

Lord *Binning* said, it could not be denied by any man, that the charters in question were originally granted for the benefit of the parties receiving them. The object of the present measure was, without trenching upon them, to remedy the abuses which had crept in, and become as it were established under the sanction of custom. It had been urged that these charters were in themselves injurious, and had been often violated on former occasions. To this proposition he never could assent. If the convention of Scotch burghs had ever interfered, it was an interference without authority. It was under these impressions that the committee had acted, in preparing the new system of regulation which had been submitted to the House.

Mr. *Maxwell* argued against the system. He considered its origin as being a revolution, though made by a king. Its first institution was the act of a weak king, advised by an imbecile set of counsellors. He approved of that part of the bill which imposed fines in cases of corrupt practices.

The House then went into the committee, and, on the motion of Mr. H. Drummond, the clauses relative to the power of instituting an Exchequer process against corrupt magistrates were omitted, with the view of being made the subject of a separate enactment. Mr. J. P. Grant then moved an amendment, for the purpose of regulating the auditing of the accounts. Upon this the committee divided: Ayes; 35. Noes, 53. Mr. J. P. Grant also proposed a clause, that nothing contained in the bill should operate against the jurisdiction of the head courts. Upon this a division also took place: Ayes; 44. Noes, 71. The remaining clauses were agreed to, and the House resumed.

HOUSE OF LORDS.

Tuesday, June 18.

MARRIAGE ACT AMENDMENT BILL.] The Duke of *Richmond* presented a petition from Arthur Chichester, esq. referring to the case of the marquis of Donegal, complaining of the retrospective effects of this bill, and praying that it might not pass into a law.

Lord *Ellenborough* moved the order of the day, and the House resolved into a committee on the bill. The noble lord observed, that the bill had been already much discussed both with respect to its prospective and retrospective clauses. The

petition which had been just read, complained of its operation in the latter respect, and referred to a case in which the petitioner was interested. But their lordships must be aware that the bill had not been introduced with reference to that particular case or to any other. This was, indeed, the fourth time the measure had been sent up to them from the House of Commons. Their lordships, therefore, now came to the discussion, well informed of the nature of the measure, and with the knowledge of its having the repeated sanction of the other House of Parliament. In order to show the evils to which the present state of the marriage law gave origin, he referred to the cases of Riddell v. Ledyard, and Hayes v. Watts, in the Ecclesiastical court. It was quite unnecessary for him to point out the conclusion which was to be drawn from such cases. They must satisfy their lordships, that no person could be in perfect security of the possession of the property he had received from his ancestors. Not one of their lordships, however great his property, however great the services to the country by which it had been acquired, but was exposed to danger as the law now stood. Every one, then, who looked forward to transmitting to his posterity, the estates and honours he had received from his ancestors, must desire some amendment of the law. Some purely accidental circumstance—some oversight in the marriage, not merely of his father, but of his grandfather, might vitiate the contract, and he, his children, and all his collateral connexions, since the original ancestor, be made bastards. Such lamentable cases frequently occurred. A slight omission in point of form rendered null the marriage of persons, after they had had issue, and their children were advanced in life. And yet this was done in cases to which the legislature, at the passing of the marriage act, had never meant it to apply. Men were bereft of the property to which they expected to succeed, and made bastards, by an operation of the law which was contrary to the original intention of those who framed it. When the law was in this state—when a marriage could be dissolved, not only by the husband himself, who had accomplished it by his own perjury, but also by an heir at law, instigated by the basest motives of self-interest—surely such a system called loudly for amendment. Nothing could be more injurious to society, than to allow the law to operate in a manner calculated to incite brother against brother, husband against wife; and to teach men to forget all the ties of affection, and all the bonds of honour. It was not for him to read their lordships a lecture on the principles of legislation. A law so hostile to morality, he should suppose, needed only to be pointed out in order to be repealed. A law which held out a constant temptation to crime—to the violation of the most sacred duties—ought not to be allowed to remain in the Statute-book. With this conviction on his mind, he entertained no doubt that their lordships would approve the present bill; and, in particular, that they would give a favourable reception to that clause which ratified marriages contracted in good faith, and which would be perfectly valid were it not for some accidental omission. The bill referred to that clause in the marriage act which requires the consent of parents and guardians to the marriage of minors. In deference to public opinion, that clause was left untouched. The marriage of minors would still be liable to be impeached; but it was thought adviseable that after a certain time had elapsed, if the marriage was not questioned, it should be held valid. In all cases where previous consent was required, the marriage would, after a certain time, become legalized.—The measure before their lordships was calculated to give confidence and security to the most important relations of social life. With regard to marriage, whatever religious ceremonies might be connected with it, the object of human legislation ought to be to mark out clearly who were married persons and who were not. This was certainly due to an institution on which the transfer of property and civil rights so greatly depended. But the complaint was, that men could not with certainty know whether they were legally married or not. Some accidental circumstance might render the ceremony void; and even when a marriage had taken place with the consent of all the parties who had a right to give their consent, it might, by some trifling omission or neglect become null. Their lordships must be aware that by declaring a marriage null, which had been *bona fide* contracted, they disgraced and planted a stigma on persons whose bounden duty it was, to live together. By the present bill, parents and guardians still retained, within a certain time, the power of nullifying a mar-

riage to which their consent had not been given. He confessed, however, that a far better system might easily be found. He would go the length of saying, that when a marriage was once contracted without consent, it ought, notwithstanding, to remain indissoluble, except on the adultery of one of the parties.—But, leaving for the present the consideration of what the law prospectively ought to be, he thought their lordships could not hesitate to agree to the retrospective operation of the bill. The petition which had been laid on the table was not correct in the supposition that no retrospective measure for legalizing marriage had been enacted by parliament. In 1781, 1805, and 1814, acts had been passed for the purpose of legalizing all marriages in churches and chapels where banns had not been published since the passing of the marriage act, and which marriages, but for those acts, would have been absolutely null. There was, therefore, nothing new in the principle or in the enactments of the present bill; and he could not help observing, that if any of their lordships approved of the measure prospectively, they ought also in consistency to give its retrospective operation their support. Indeed he could not conceive how those who thought right to guard against the future bastardizing effect of the marriage act should not be equally anxious to secure themselves against the consequences of omissions which might have occurred with regard to the marriages of their ancestors. When the act first passed, its mischievous effects were not foreseen. Few persons then understood the circumstances which rendered a marriage null, and for some years cases of dissolution of marriage were of rare occurrence. They, however, soon increased, when wicked and artful men discovered that, by taking advantage of their own perjury they could bastardize their children, and degrade their wives; or when some relative, as bad as the perjured husband, discovered a flaw in a marriage, by which he might bastardize the children who stood between him and the property he coveted. On these grounds he anticipated their lordships' concurrence in the principle of the retrospective clauses. It was not his intention to persist in retaining all the clauses as they stood; neither would he contend for the retrospective operation, without making an exception of marriages in which the parties had, on knowledge of the illegality of the contract, separated and ceased to cohabit, and some other cases. He called upon their lordships to pass the bill, that every man might be assured that the law which maintained him in the possession of his property would also enable him to transmit it to his children.

Lord *Stowell* rose and addressed their lordships for the first time, but in a tone of voice that rendered his speech for the major part inaudible below the bar. He began by adverting to the importance of the subject, and observed, that whilst it was impossible to deny the evils of which the law as it now stood was occasionally productive, yet the reference he entertained for those great names under whose auspices the marriage law was established, had often checked the desire he felt to see it reformed. Various bills of this description had, during the last few years, travelled up to their lordships' House, and, notwithstanding the changes which they underwent in their progress, had failed to receive the approbation of their lordships. He should be glad if the present measure were to prove more fortunate than its predecessors; but in order to become so, it was not enough to point out defects which ought to be supplied, or evils that required a remedy, but it should be made evident that the proposed alterations would not lead to consequences still more mischievous and deplorable. The length of time, also, during which the law as it now existed had continued, and the prodigious interests on which it had operated, must cause them to hesitate and take a full view of all the difficulties that surrounded a question of this nature.—Having said thus much, he would add, nevertheless, that he had heard with much pleasure many of the observations which had fallen from the noble baron. He could not, however, agree with him in one branch of his doctrine, because in his (Lord S's.) view of the subject, the marriage contract was entirely within the competency of a civil jurisdiction. It might not be so in savage life, where the essence of the engagement consisted perhaps in an appeal to Heaven; but in civilized states in which there was a matrimonial law, it was held that the Supreme Being left it to society to consider age and circumstances—to prescribe forms, and exercise a controlling authority over the whole subject. Dangerous consequences might possibly arise from leaving it altogether to private judgment to determine by what ceremony the

Union should take place which was to bind the parties as man and wife; and it might become impossible to distinguish such an Union from a state of unlawful co-habitation. To guard with the greater security against evils of this kind, religion had formerly imposed on the law the obligation of considering marriage as a sacrament. The intervention of no third party was necessary, as it was thus rendered a personal sacrament; and in this state had the law remained until the period of the Reformation. Such, indeed, at this moment was the law of Scotland, and marriages might be contracted in that part of the kingdom to this day, without regard to any circumstance but the will of the immediate parties. At the Reformation a very material change took place in this branch of the law. Many attempts were made to introduce a greater degree of certainty, and give a more definite character to the marriage institution. No doubt, those attempts were made with the royal permission granted in the first instance; but the only effect they for some time produced was, to lead to an express declaration, that marriage without consent of parents was null and void. Upon this principle such contracts were dissolved *ab initio*. In 1677, a bill was introduced for the purpose of giving a more settled form to the legal principles so adopted. The subject was, however, subsequently referred to a very large committee, consisting of eight peers and all the prelates, who were instructed to provide suitable penalties for clergymen who should act in defiance of the law—to examine witnesses and report the substance of their inquiries to the House. After the fullest consideration both by the committee and the House, the same principle was confirmed; and it was enacted, that no marriage between minors should be binding, that was celebrated without the consent of parents or of guardians. In 1691, another measure was brought forward, the object of which was, to prevent clandestine marriages, and which had likewise its origin among their lordships. From the period to which he had before alluded, one great and invariable principle was acknowledged. The marriage of a minor without consent of his natural or appointed guardian was invalid. Such contracts amounted literally to nothing. No amendment or further change took place till the reign of George 2nd, when the act by which marriages were now regulated was passed. It was well known by what gross abuses of the former statute, the interposition of the legislature was at that time loudly called for. Shops were opened in various parts of the metropolis, where every legal restraint and precaution was eluded. Youths of the best families and of the highest hopes were invited into these receptacles, where, in a moment of thoughtless levity, or transient fondness, misery was perhaps incurred, and affliction carried into the bosoms of the most respectable members of society. Never did an abuse exist that required a more prompt or efficacious remedy. Never could an abuse have grown to such a height, had the means of preventing or correcting it been plain or obvious. Sensible, however, of the extreme difficulty belonging to the subject, the new bill was prepared by a considerable number of peers, but it did not finally meet with the approbation of the House. It was then put into the hands of lord Hardwicke, of whom he might be allowed to say, that, whether, considered in his judicial or legislative character, he was one of the ablest persons this country had yet produced. The bill which he framed became a law, and had been in operation ever since. By this proceeding it was re-enacted, that marriages without the necessary consent were null and void; and that whatever ceremony might take place, it amounted only to an idle form, signifying nothing, and binding nobody. Such was undoubtedly its effect, and the clergyman marrying parties who thus contracted no legal obligation, might again marry either of them to a different person. The whole was a mere nullity, and the female might desert her partner's bed without becoming an adulteress. She had previously gained none of the privileges of a wife, and she therefore could not forfeit them. Marriages thus liable to be dissolved were in law no marriages at all, nor had the children born of them ever been for one moment legitimate. The only question upon this point was, whether it would be convenient to leave contracts of this description to be decided by others, and after a considerable lapse of time. Now, in his opinion, they could not introduce a worse evil than that of rendering such acts voidable. At present they were void *ab initio*; but if it should be rendered uncertain whether they ought or ought not to be held valid, and if their legal character was to be left de-

pendant on particular circumstances, and on the judgment of a court, did not their lordships readily foresee the consequences? Would they ever agree to leave it doubtful for perhaps a long succession of years, whether, in the eye of the law itself, a woman was married, and whether her children were to inherit their father's rights and property? The principle of nullity gave a fixed and definite character to the law; and he submitted, that it was better to determine the whole question by the point of original validity, or the reverse. In cases where the consent of *third* parties was not requisite, there could be no doubt that the provisions of this bill might be beneficially applicable. It was sufficient that the parties knew their own minds, and there was no necessity or plea for any delay; but in cases where the consent of third parties was necessary, greater doubt might arise. These third parties were either parents, or guardians appointed by parents or by the court of Chancery. Extraordinary as it must appear, he had not known a single instance of the application of the law in this last instance, however essential such an application must be to the interests of the higher and wealthier classes. No doubt it was equally important that the law of marriage should be uniform, and that it should not apply differently to the rich and to the poor. With regard to that clause of the statute which referred to parties possessing 100*l.* a year, he had never been able to understand it clearly. The people of this country would not, he was persuaded, willingly submit to a matrimonial law that was equivocal in itself, or that depended on the wealth or situation of the parties. The necessity of consent was made evident by another circumstance, as it related to a variety of cases. The fact might not come to the knowledge of the individuals whose consent was required; it might be industriously concealed from them; and instances of this kind were perpetually occurring. It was not always against, so much as without consent, that the marriages of minors took place. How, then, would their lordships decide, when the only question was, original nullity or not? On the one side all was definite; but leave the contract voidable only, and there might be no end to the perplexity or the confusion.—He knew it had been urged, that parties might be betrayed into error, and might suppose that they had complied with all the provisions of the law, when they had in fact misunderstood them. It had been even said, that they might engage themselves in the nuptial contract, without being aware that the consent of others was necessary. Such being the case, it was contended, that time ought to be allowed to bring about, as it were, a compromise, and to furnish an opportunity of supplying the requisite formalities. If this principle were admitted, the utmost care should be taken not to extend the time so conceded beyond the period that might appear strictly necessary for the purposes contemplated. He had endeavoured to show what an enormous evil a voidable marriage must be, and he would add, that its enormity must be proportionate to the length of its duration. He had seen with some surprise in the present bill a provision by which, although the right of consent was reserved to fathers and guardians, five years might elapse without the fact reaching their knowledge, and a suit might then be instituted in the arches' court which might be carried to the court of delegates, and which, as far as he knew those courts, might last for three years longer. Here, then, would be eight years of uncertainty and suspense. He trusted that the House in its humanity would not agree to plunge parties into misery like this, and that it would still consider the consent of parents or guardians as indispensable. By this bill the natural mother was admitted in certain cases to the privilege of giving the requisite consent. Was she also to institute the legal proceedings, and thus, too, in preference to the virtuous widow? What security was there that she might not be a very unfit person, one who had made a merchandise of her charms, the child itself being the offspring of some accidental connexion? It might be otherwise; but how were they to distinguish between a settled cohabitation and the state of things which he had supposed? The father might have been long totally estranged from her, and she might have been distributing her favours amongst twenty nominal husbands. He objected strongly to the late period of the session, when so momentous a subject was brought before them. It was remarkable, that the various bills of the last four years had all been presented at the same inconvenient period of the year. In his judgment, the best course which their lordships could now pursue, and the best

mode they could adopt of dealing with this measure, would be, to let the question stand over till next session, when it might originate amongst themselves, with the assistance of all that learning which belonged peculiarly to the subject, and was calculated to confer greater authority on the proposed reform.

The Earl of *Westmoreland* warmly supported the bill, which he regretted had not passed two or three years before. Many atrocious acts of robbery and injustice might then have been prevented; and the number of such acts was, he feared, even now, daily increasing. He did not doubt, indeed, that they would continue to prevail, and to set all religion, all justice, and all humanity at defiance, unless parliament should interfere, and rescue the country from the gross iniquities to which it was now subject. The law, as it now stood, was not the ancient law of the land: it was not only a departure from, but a direct subversion of that ancient law; its intention was, to prevent clandestine marriages, and its operation, to destroy those which were just, and ought, therefore, to be binding. As to what had just fallen from the learned lord, he would beg leave to ask him, whether the marriages which he said were null and void, must not become void by judgments of courts, in order to their being so considered? He wished to see the law extend its protection over youth and property; but it was quite as necessary to guard against other species of fraud and spoliation. Surely it could not be denied, that the law was nugatory as regarded its own provisions. These might all be set aside by various expedients, by a journey to Scotland, or a voyage to France, or even by a marriage in which the banns were published with a certain degree of secrecy. Minors, by a subsequent marriage, after full age, might also remedy every defect, except, perhaps, the illegitimacy of their first-born.—The bill contained two principal clauses, the one prospective, and the other retrospective; but he proposed to consider them together. Their lordships would immediately proceed to amend the act, and thus prevent progressive nullities. No great injustice could be done by preventing the operation of the existing act, when, if this bill be not passed, nullities would be pronounced, and injustice would be committed. He wished to protect those who complied with the law, as far as they were acquainted with it, and guarded their property from being made the subject of such dishonest hopes and selfish speculation. He would put some cases to show the insecurity of property under the law as it at present stood. He would put the case of a marriage celebrated with all due ceremonies and formalities, where the parties were of the highest rank, and where the greatest property was involved. He would suppose that his majesty should be present on the occasion, and that the archbishop of Canterbury should celebrate the ceremony. Nay more, the lady should go through the secret chamber of the chancellor, and the ordeal of the master in chancery; so that royalty, church, and law, should publicly sanction the union. He would suppose the lady had brought a large fortune. He would suppose that this couple had lived together forty years, and that they had children married into their lordships' families, and thus allied to the highest rank and respectability in the country. He would further suppose, that to make provision for these children, this couple suffered a recovery with the eldest son, and had mortgaged or sold their property. After all this, by the existing law, a little informality might render such a marriage, so solemnized, and followed by so many acts, the validity of which depended on its validity, null and void. The lady might happen to have been one day younger than she believed herself at the time of her marriage, or the licence might be attested by one witness instead of two, and such trifling informalities would overthrow a marriage believed good for forty years. The noble earl put some other cases of equal hardship, both with respect to real and personal property. The existing law destroyed all security of all kinds of property. But let us look at it as it affected the public. These mortgages and sales were invalid; so that the honest purchasers would be deprived of their property without remedy, as the estates would go over to the remainder man. Suppose a property, real or personal, in trust, or not devolving to a lady on marriage, or coming of age. These estates, or funded property are sold—and she dies before she attains the age of twenty-one.—What is to happen? If a real estate, the heir at law would take it. If funded, what is to happen? Is the trustee or bank director, that passed this property, to refund?—In short, without a retrospective clause, no trans-

action in life was secure. No counsel could give an opinion upon the validity of any title; because, however good other deeds might be, no counsel could answer what defect there might be in some one of the licences granted 20, 30, or 40 years preceding. Such was the state of the law, that no man knew how to avoid offence, or when he was within the penalties of the law;—a law which was repealed for every good purpose, and only existed for fraud. Four sisters shall be in one house; three of them shall marry by stealth, the fourth with all the formality of parental consent. The three clandestine marriages are good, and the public one shall be voided 20 years after upon some trifling informality. Another instance,—a daughter married under a license, surreptitiously obtained;—the father forgave her on condition of her marrying again: three years after, this lady was divorced, on some informality respecting the man's licence. Both, then, as regarded the comfort of families, the peace of the parties, and security of property, some change was necessary in the existing law. And what was the objection to an amendment that would afford such security? Why, that it would affect the rights of third parties. In his opinion, their security was fully enough attended to. It would not disturb their property, but only interrupt certain expectations and speculations. He put the case of the family of a nephew enjoying the prospect of proving the invalidity of his uncle's marriage. If the marriage were pronounced void, the uncle might marry again, and disappoint hopes so formed; and he (lord W.) saw no hardship in such disappointment. It was the duty of their lordships to do what was right and just, whatever effect their decision might have on ill-placed expectations.—But he might prove by former marriage acts, that the legislature had never been restrained from improvements of the law, by a consideration of the remote and uncertain interests of third parties. The first marriage act that he found was that of 32nd Henry 8th, which made every marriage valid which was celebrated in *facie ecclesiæ*. This act robbed third persons of their rights, annihilated all previous rights to divorce from contracts, &c. *presenti in futuro*, to speculate in invalid marriages; but such an anticipated consequence did not prevent its passing. Next, 5th Edward 6th, which confirmed the marriage of priests and deacons with dowry, &c. This act had no reference to third parties, whose rights it took away. This act was repealed by 1st of queen Mary, and never set up again till 1 James 1st., which continued all the marriages and property of priests and deacons, without reference to third parties. The 12th Charles 2nd, confirmed all marriages made during the rebellion, however irregular—no consideration of third parties. The noble earl enumerated the other marriage acts from the Reformation down to the act of George 2nd, which was at present in force, and which this bill was intended to amend; and showed that they all interfered with the rights of third parties, as well as the present measure; but that that interference was no bar to their enactment. Nay, even after the passing of the act of George 2nd, a class of marriages had been celebrated, one of which the courts pronounced null; and an act was, therefore, in 1781, brought in, to legalize the informal marriages of thirty years. Here was an interference with the rights of third parties for a long period, and including a great number of cases: and yet the consideration of their assumed rights did not prevent the measure from passing.—In 1805, bishop Horsely brought in a bill, to legalize marriages in churches and chapels, where banns had not been published. In 1816, another was brought in, to confirm marriages made by dissenting ministers in India.—The noble earl confirmed his argument by an appeal to the bill of lord Redesdale, which interposed to prevent the levying of penalties for clerical non-residence, after suits for recovering them had been, in a great variety of instances, commenced. Now, as to setting up nullities;—by Mr. Reston's act, by an informality in the attestations of deeds, deeds to a great extent were invalid and null.—An act passed to confirm all these deeds, as if they had been legally executed—no consideration of third parties. The retrospective clause could not affect the rights of third parties to commence suits. No suit of nullity could be brought by them during the life-time of the parties. Their rights were therefore out of the question. To allow the parties themselves to commence suits of nullity would be merely another way of authorising voluntary divorces. Parties who celebrate their marriage *in facie ecclesiæ*, should be allowed no right to divorce one another for informality. He

trusted, that no man who voted against this measure, would find himself or his family in the distressed state consequent upon this law;—and that no reverend prelate who had formally joined a lady in matrimony, would, by his vote, have her to charge him with having, instead of a blessing, conferred on her the heaviest lot of misery and misfortune. The noble earl concluded by giving his support to the bill, as proposed to be amended by the noble lord who introduced it.

The *Lord Chancellor* said, the question was not now, whether the bill should pass, but whether the retrospective clause should remain part of it. In his opinion, the bill ought to be divided, and the retrospective and prospective clauses made separate measures. He did not now give his opinion on either, but wished to state that they stood on distinct grounds, and that the one might be agreed to by those who might reject the other. In defending the retrospective clause, it had been assumed that the marriages which it would legalize were real marriages. They were not so: they were no marriages at all. The parties might marry again to-morrow; and the act would, therefore, declare as marriages, what, before it passed, were not marriages. The act of George 2nd, pronounced marriages null and void, unless celebrated under certain circumstances. They were, in consequence, null and void; and this clause would substitute a marriage for a transaction which was not entitled to be considered as one. But leaving this retrospective clause for future consideration, he must say, that he could not agree to the prospective clauses as they stood. It was better, in his opinion, that the parties should know, as soon as they were married, whether they were married or no, than that they should be left in an uncertainty as to whether they had contracted a valid matrimonial engagement or not. No man who had his heart in the right place would permit a clause to pass which allowed parents or guardians to deliberate for a number of years, whether they would consider the marriage of their children or their wards as void or valid. He would put the case of a cruel or capricious father, who should be displeased at the very early marriage of his daughter (for imprudent marriages were likely to be contracted chiefly by very young persons), and who had it in his power to dissolve it immediately. "No," such a father might say, "I am very angry at your conduct; I will not now dissolve your marriage; I shall leave you together till you have a family of five or six children, and then I will bring a suit of nullity, dissolve your marriage, make bastards of your children, and turn you to beggary." To grant such he could never consent. If the parent withheld consent, but died before the infant attained the years of majority, the marriage became valid. This strange inconsistency in the law would therefore be introduced—that, of the children of two fathers, both withholding consent from their marriage, the one by the death of her father might be legitimately married, and the other by her father's remaining alive might find that she had not been married at all. He would put the case that he (the lord chancellor) and the noble lord who introduced the bill had a daughter married on the same day, and in the same circumstances; but that he (the lord chancellor) died before he brought a suit of nullity, and that the noble lord survived: his (the lord chancellor's) daughter would be legitimately married, whereas the noble lord's daughter might find her marriage dissolved. He could never agree to a clause which would admit of such results. With respect to the retrospective clause, the objections were still stronger. His noble friend who had last spoken did not seem to know that there could be any vested interests but what the party was in the enjoyment of. Now, vested interest not enjoyed, might be more valuable than those possessed. Suppose an elder brother, illegally married, possessed an entailed estate, and a younger brother legally married; the children of the latter would have a vested interest in the estate more valuable than the father. The bill rendered proclamation of banns more difficult than before. The clergyman was even indictable if he made a mistake. He could not agree to the first clause, which repealed the act of George 2nd, till he saw the objections removed which he had stated. He wished it to be known, that marriage was marriage immediately after it was contracted, and could not admit an intermediate state of five or six years after the ceremonies were performed, in which it was left to parents or guardians to make it valid or not.

The Earl of *Liverpool* could not agree to the postponement of the bill. He

thought something ought to be done to guard the existing law this session.

Lord *Redesdale* opposed the prospective clause, and recommended, that in future all marriages should be celebrated in pursuance of banns and not of licences.

The Earl of *Harrowby* was of opinion, that where a party had obtained a marriage under a false affidavit of his own, and afterwards invalidated that marriage, the sentence of nullity pronounced in consequence should operate as a conviction of perjury against the wrong doer.

The first clause was then agreed to.

On the motion for agreeing to the second clause, the object of which is to give parents and guardians the power of voiding marriages, until the parties attained the age of 21,

Lord *Holland* defended the clause, allowing that it might be susceptible of amendment, but maintaining, that by its adoption, the existing law would be materially improved. If the clause, however, should be rejected, he should still think the bill eminently serviceable. The clause was drawn in strict analogy to the law of the country in other respects.

The Earl of *Liverpool* thought it would be desirable to introduce into the clause a provision, that any suit for rendering a marriage null and void, must be commenced within a twelvemonth of the solemnization of the nuptials. He recommended that the Chairman should report progress, in order to give their lordships time to consider this suggestion.

The Chairman accordingly reported progress, and asked leave to sit again.

HOUSE OF LORDS.

Wednesday, June 19.

MARRIAGE ACT AMENDMENT BILL.] The House resolved itself into a committee on this bill. On the clause for giving to parents and guardians a certain period after the marriages of minors without consent to institute suits for annulling such marriages,

The Archbishop of *Canterbury* said, that every means that could be devised by human ingenuity, ought to be resorted to for the purpose of preventing improper marriages, but that when those marriages had been celebrated under the solemn sanction of religion, they ought to be indissoluble; nor could he conceive any thing more repugnant to religion or morality than that persons should be placed in the situation of not knowing whether they were lawfully married, or living in a state of concubinage—that a mother should be placed in the situation of not knowing whether her children were to be considered as ornaments or a disgrace to her.

The Archbishop of *York* expressed his entire concurrence in the opinion delivered by his most reverend brother, and observed that the principle of legislation ought to be—"Those whom God hath joined, let no man put asunder."

The Earl of *Liverpool* maintained that the sound principle of legislation was to throw every obstacle in the way of improper marriages; but when they had been solemnized, they ought to be indissoluble.

The clause was negatived. On the retrospective clause being read, the lord chancellor moved, that the further consideration of it be postponed. Upon this, the committee divided: Contents 40, Not-contents 69. The clause being read,

Lord *Ellenborough* re-urged the grounds on which he called upon the committee to prevent any further evil arising from the nullifying of marriages for want of consents, or defect of form, under the operation of the marriage act, and stated his intention of moving to extend the operation of the clause to the rendering valid all marriages which had taken place since 1754, the date of the marriage act, with the exception of those which had been declared null, and of those in which the parties aware of the nullity of the first marriage, had contracted a second marriage; and also with a proviso, that dignities, honours, and property, whether they had descended to the children of any such marriage, or, in consequence of its acknowledged nullity, to the heir at law, should remain in the possession of those persons to whom they had descended and their descendants, with some other amendments.

Upon the amendments of lord Ellenborough a short discussion took place, in the course of which

The Earl of *Liverpool* said, it was his intention to introduce a clause to prevent this act from extending to any causes now pending, or to be instituted before a competent tribunal within the next twelve months.

Lord *Holland* was of opinion, that the operation of the whole measure now before their lordships would be destroyed if the noble earl's proposals were agreed to.

Difficulties and embarrassments might certainly attend the discussion of this subject; but their lordships should beware of the ill effects of stopping in their course. They were bound to make atonement for the punishment inflicted by the marriage act, and reparation should be made without delay, without letting the technicalities of courts intercept their progress. There were, no doubt, persons who would have advised that the marriages contracted before 1660 should not be confirmed; but good policy prevailed, and they were confirmed. Even a few years ago a bill was introduced to relieve the clergy from the penalties of non-residence. "Ignorantia legis non excusat," was a maxim strictly applied to the girl of fifteen, while in persons of a learned profession, who should be presumed to know their duty, ignorance was excused. Was a young lady, just entering the church door with an admiring lover, to ask about the contract of his grandmother? Such a lady so doing might have a very inquiring mind; but if the lover were as modest as he might be ardent, he would at once leave her, and make his bow. The strict rules of justice called for the adoption of the clauses proposed by the noble lord. Where a fair consent was given to parties inter-marrying, and where religion ratified that marriage, an ignorance of facts, or technicality, should not prevail. Virtue and generosity demanded the repeal of the act of 1754.

The several clauses proposed by lord Ellenborough were then passed. After which, the earl of Liverpool proposed the clause to which he had before alluded. The earl of Harrowby proposed, as an amendment, to omit the words, "during the next twelve months," as it would only have the effect of instituting suits at present not thought of. This amendment was agreed to; and upon the clause, as amended, the House divided: For the clause, 42; Against it, 58. The chairman then reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Wednesday, June 19.

County Court of Middlesex.] Mr. *Lennard* presented a petition from 4,000 of the householders and traders of Middlesex, complaining of the conduct of the county clerk of Middlesex. He knew nothing of the truth or falsehood of the statement in the petition. He had before brought the subject of this court under the consideration of the House. He believed most sincerely, that the court was very useful in its constitution, and that if the House could be persuaded to look at the subject, means might be found to make it much more so. He regretted that the petitioners had not confined themselves to a statement of the large amount of the fees, producing an emolument far beyond what was contemplated when the court was instituted; and to the inconveniences arising from the infrequency of the sittings, and the distance necessary to be travelled in order to attend the court; because he feared the very strenuous friends of the county clerk in that House, when they found an attack was made on the clerk himself, would, in their zeal for the defence of the clerk, extend it to the court itself, and thereby his cause would be injured. He was convinced that the House would not long allow such a salary to be received, without being satisfied that all that could be done was done for the suitors. He should again call the attention of the House to the subject next session, and he trusted he should succeed in reducing the large fees, and increasing the time of attendance, and the number of places of attendance. He moved, that the petition do lie on the table.

Mr. *Courtenay* said, that the petition did not represent the feeling of the county of Middlesex, but emanated from individuals actuated by the worst motives. He denied, on the authority of the chief judge of the court, that any fees had been taken by the chief clerk, which were not sanctioned by act of parliament. Even if such a grievance had existed, it was not a subject for the interference of parliament, since there was a specific mode of redress pointed out by the act. Under these circumstances, he should move, that the petition be rejected.

Dr. *Lushington* asked, whether it was candid to attribute malignant motives to 4,000 individuals, and to move for the rejection of the petition, upon the unsupported *ipse dixit* of the party accused? The petitioners did not merely complain of the extortion of fees, but that the chief judge did not sit so often as the interests of justice required. Nearly 18,000 cases were heard annually, and the judge only sat twice a week; so that he must dispose of 180 causes a day. It was utterly im-

possible that they could be disposed of with this extraordinary expedition, consistently with the interests of the suitors in that court. As to redress, by application to the three chief justices, was it likely that suitors in cases under the amount of 40*s*. could resort to such an expensive mode of proceeding?

Mr. *Bennet* thought the House was bound to inquire into the allegations of the petitioners.

The *Attorney General* stated, that the act of parliament specified the legal fees, and in the event of exaction, the remedies. The petitioners should therefore have sought redress in the mode indicated by the law.

Mr. *Hume* expressed his astonishment that the first law officer of the Crown should set his face against investigation. They were not the friends of Mr. Heath, who wished to damnify his reputation by the rejection of the petition.

Mr. *Wynn* said, that if the petitioners had confined themselves to the grievances, he should not oppose the reception of the petition; but when they attacked the character of the judge, on *ex parte* statements, he could not consent to let it lie on the table.

Mr. *Hobhouse* said, that to reject the petition of the 4,000 persons was, to use a common saying, carrying the joke a little too far. It was, forsooth, to be rejected because it implicated the learned gentleman who presided in the court. But, was not his character much more likely to be affected by a refusal to receive the allegations of 4,000 persons who declared themselves to be aggrieved?

After some further conversation, the petition was ordered to lie on the table.

Tithes, and the Church Establishment in Ireland.] Mr. Daly having, at the request of Mr. Secretary Peel and several other members, consented to postpone until next session his promised motion on the subject of tithes in Ireland,

Mr. *Hume* immediately rose, and said, that as the hon. member for Galway had declined proceeding, it was his intention to avail himself of the opportunity to bring the subject of Tithes, and the Church Establishment of Ireland before the House. It was well known, that he had long ago given notice of a motion on this subject; but he had delayed it in deference to his majesty's ministers, till he should see what measures they would bring forward.

So little commensurate, in his opinion, were the proposed measures of government with the deplorable evils for which they were offered as remedies, that he now called on the House, and particularly those members of it connected with Ireland, to lose no time in the adoption of some more efficient plan for the relief of that unhappy country.

The state of inquietude produced by bad government, and the consequent misery, which so generally prevailed in Ireland, led to the necessity of keeping up a larger military force than had ever before been employed, except when the people were in open rebellion. If, therefore, the wretchedness of the people was not sufficient to rouse parliament to some exertion for their amelioration, the expense of our present military establishment, amounting nearly to two millions annually, was, he thought, a strong reason why a remedy should be immediately applied, particularly when it was known, that in 1792, and in other years of peace, about 500,000*l*. was the ordinary annual military expenditure for that country.

In looking to the state of Ireland for many years past, and in attempting to ascertain the source of the constant succession of inquietude, disturbance, and rebellion in that country, he had observed several powerful causes, all tending to produce these deplorable events, of which the tithe system was certainly one of the principal. Within these few days the evils arising from that system in Ireland had been stated to the House in strong, but he believed not exaggerated terms; and, as very decided opinions had been given on the antiquity and sacred character of tithes, by the secretary of state for the home department, and by the right hon. and learned attorney-general for Ireland, he was anxious to state how far he differed from them. In the first place, he wished to clear his way on the question of the right which clergymen possessed to tithes; and, notwithstanding the taunt of the right hon. gentleman opposite, who accused him of entertaining wild and visionary views, he would fearlessly state his opinions on the subject. They asserted, that tithes and church property were as sacred and as inviolable as any other description of property. Nay, the under secretary of state (Mr. Dawson) had declared, that a clergyman had a better claim to his tithes than any man had to his own estate.

From that doctrine he (Mr. Hume) entirely dissented. He contended, that the property of the church and the tithes had no affinity, in many respects, to private property. If a man had an estate, whether by descent, by bequest, or by purchase, it was not in the power of parliament to deprive him of it without the grossest injustice. But, let the House recollect in what situation church property stood, as compared with private property. Bishops and beneficed clergymen may be deprived of their church income, by being deposed from their offices for violation of professional duty, or improper conduct, as other public officers. The bishops and clergymen cannot sell, alienate, or bequeath the church property, as private individuals do. The greater part of church property and tithes had been originally granted by kings, and by parliaments, to support and promote religion. It followed, then, that it was in the power of government to change the disposition of that property, provided such a change was necessary for the support or promotion of religion; *always bearing in mind, that those who had vested interests in that property were justly entitled to enjoy them. That was a point on which he wished distinctly to be understood.* He would never be a party to deprive the bishops, or any of the clergy, during their lives, of the property of which the existing institutions had put them in possession: but he could see no injustice in parliament making an alteration in its appropriation, after the death of the parties in possession. He could not admit, as had been stated by the right hon. gentlemen opposite, that an interference with church property was robbery and spoliation—he denied it altogether. In fact, church property had been interfered with at various times in almost every country in Europe. It was not at this time necessary, in the view he took of the subject, to look to the origin of tithes in any disposition that was to be made of them. It was well known how Henry 8th had disposed of them in his settlement of the church, and how parliament had sanctioned and confirmed his acts. Had not parliament also taken them from the Catholic and given them to the Protestant church? But, to come to later times. What was the effect of the resolution of the Irish parliament on the 18th of March, 1735? It was virtually the abolishing the tithe of agistment and this had been since confirmed by the act of Union. Here, then, was an interference with church property. If that was spoliation and robbery, he would ask the right hon. and learned gentleman (Mr. Plunket), who was member of that parliament, why he had not raised his voice to protest against such enormities? It was not for that right hon. gentleman, who had been a party to that spoliation, to blame others for following the same principle. The fact was, that the acts of the government, not only of Ireland, and of England, but of every country on the continent, interfered with church property and tithes. If parliament had the right, and did take away the tithe of agistment, which was perhaps one-half, or one-third of the whole tithes in Ireland, why might not the present or any subsequent parliament, take away another third, or the whole of the tithe, if they thought it necessary for the good of the country and of religion to do so? It had been stated by Adam Smith, "that in all Christian churches the benefices of the clergy are a sort of freeholds which they enjoy, not during pleasure, but during life or good behaviour;"—and in that he (Mr. H.) agreed. Not only did he contend, that by the practice of our kings and parliaments, both in England and in Ireland, the principle was established that the property of the church was at the disposal of government for its own use, or for the good and proper maintenance of the church itself; but he maintained that Denmark, Prussia, Sweden, and Germany, and, in short, almost every country on the continent, afforded ample proofs of the assertion and of the exercise of that right.

He must also protest against the too common, but mistaken opinion, that the church establishment was a part of the Christian religion. It was not so. It was only a means to an end. He wished it to be understood as his decided opinion, that if they were to abolish the whole of the present system of church government, they would not violate any rule established by the Founder of the Christian religion. In support of that assertion he could refer to various authorities; but would content himself with one. Dr. Paley says, "that religious establishments form no part of Christianity; they only afford the means of inculcating it." That being the case, the next question to which he wished to call the attention of the House, was, for what purpose the

property which was at present held by the church had been given? It was to promote and to support the religion of the country. Then came the consideration, whether the means at the command of the clergy were precisely commensurate to and applied to that end? Were the revenues and establishment of the church of Ireland too great, or were they too small? He certainly thought that they were much too great. In Ireland, there were twenty-four archbishops and bishops, and 1,270 beneficed clergymen, enjoying a revenue of upwards of a million sterling. This sum, he contended, was by far too large, considering that the clergy of the established church had to administer the rites of their religion to no more than 500,000 persons. Now, to him, so great an allowance appeared altogether disproportionate, to the duties to be performed; and he was of opinion, that the cause of religion as well as sound policy required a reduction of it. —"It may be laid down," (says Adam Smith *) "as a certain maxim, that all other things being supposed equal, the richer the church, the poorer must necessarily be, either the sovereign on the one hand, or the people on the other; and in all cases the less able must the state be to defend itself. In several Protestant countries, particularly in all the Protestant Cantons of Switzerland, the revenue which anciently belonged to the Roman Catholic church, the tithes and church lands, had been found a fund sufficient, not only to afford sufficient salaries to the established clergy, but to defray, with little or no addition, all the other expenses of the state," "The proper performance of every service seems to require that its recompense or pay, should be, as exactly as possible, proportioned to the nature of the service." He (Mr. H.) contended, that such was not the case in Ireland, and that a complete change was necessary. From all he had been able to observe, of the highly beneficial effects on the population in the country to which he belonged, by having a resident clergy, well instructed, moral, and temperate, he should always be desirous of encouraging such arrangements as would produce similar results. No man was more desirous than himself that the clergy of Ireland should be supported in a rank becoming their situation, that they should be enabled advantageously to perform the high and sacred functions imposed upon them by their office. He was anxious that they should enjoy an annual income sufficient to maintain them in the class to which they ought to belong—that of gentlemen: But he must at the same time protest against an allowance to the clergy disproportioned to the duty they had to perform, and which might tempt them to neglect it. Between the extremes of a too penurious and a too profuse allowance there was a mean, and it was the duty of parliament to adopt that mean.

Although tithes were a constant and great cause of inquietude, he believed that the enormous church establishment in Ireland, and the very unequal distribution of its large revenues, were sources of equal discontent. The disproportionate distribution of church income, had been noticed by Paley as a scandal; particularly when the clergy were so only in name, and did not perform the duties of their livings.—"When" (says he,*) "a man draws upon the church income, whose studies and employments bear no relation to the object of it, and who is no farther a minister of the Christian religion than as a cockade makes a soldier, it seems a misapplication little better than a robbery." What did the right hon. gentlemen opposite do to prevent that kind of robbery? Was it not a considerable source of dissatisfaction to a population, suffering as the Irish had long been, to see a large portion of its wealth tranferred to the ministers of a church, in whose tenets only a small part of them agreed, and of which the duties, he was sorry to say it, were, in too many instances, very indifferently performed? The great disproportion between the number of bishops in Ireland, and the number in England, was a subject which appeared to him well deserving the attention of the House. Was it reasonable, that there should be twenty-two bishops for a population of little more than half a million in Ireland, whilst there were only twenty-six bishops for many millions in England? Their frequent and long continued absence from their respective dioceses, seemed to show, that their services could be dispensed with, whilst it authorized, and led to the absence of the different rectors and vicars from their livings, and to the placing curates to superintend them, on small and inadequate

* Book 5, c. 1, pages 241 and 243.

* Vol. 1, c. 14, p. 181.

salaries. They had been told very truly, that a resident clergy, as in Scotland, was of great advantage to the population of a country on many accounts. Of that advantage Ireland knew little or nothing, for, in many instances, their pastors were personally unknown to them, and the income of their livings was spent too often in Bath, or in Paris, or in any place whatsoever, save that from which it was derived. This non-residence of the clergy, joined to the non-residence of the gentry, was one of the evils which had much afflicted Ireland.

There was another evil also, which he could not, in this stage of his argument, overlook—he meant the wretched state of the ecclesiastical courts in that unfortunate country. It did appear to him to be contrary to the first principles of justice, that the clergy should have any part in the decision of cases in which their own interest was concerned. Indeed, that grievance was so intolerable, that he should have thought any measure tending to redress it more worthy the attention of the right hon. secretary than the paltry and partial measure which he had just introduced, to authorize the clergy to grant leases of tithes obligatory upon their successors. Another of the calamities under which the population of Ireland laboured was, the manner in which its tithes were collected. Indeed, it was a system which seemed purposely calculated to drive a people to deeds of desperation and violence. The hon. member then proceeded to state several instances of the mischief produced by the mode of levying tithes; and he contended, that though the value of produce and rents had decreased, that tithes had, in many cases, been increased in Ireland. He could state innumerable instances, but should confine himself to one or two. From one of the cases it appeared, that tithes, which in 1785 amounted only to 140*l.* a year, now amounted to 800*l.* It was in the parish of Roer, in the barony of Ida, and county of Kilkenny. By the recent census, it consisted of 3,519 persons, of whom 59 are Protestants, and 3,460 Roman Catholics; the former bearing the proportion of 1 to 60. In 1785, the tithes were 140*l.* a year. In 1796, they were raised to 300*l.* In 1805, 450*l.* In 1815, the tithes were charged for wheat and potatoes, per acre 10*s.*; barley 8*s.*; oats and meadowing 6*s.* The tithes were afterwards raised, and application was made to the rector, the reverend Mr. Kearney, against that increase, but no abatement has been made, although prices have fallen so much. The tithe of wheat and potatoes are now 12*s.* per acre; barley 10*s.*; oats and meadowing 8*s.*; and they amount to 800*l.* a year, being a rise of more than five-fold in 36 years. It should also be observed, that the present rector does not officiate or reside in the parish, nor has any resident curate. He has an officiating curate, who resides in the town of Ross, and is represented as an excellent man. The parishioners having made their application to the rector in vain, appealed in March last to the public, in hopes their case would attract the notice of government;—but, alas, as yet, like many other grievances, it remains unnoticed. He (Mr. H.) then read a letter which he had received from lord Glengall, to whom he said he had not the honour to be personally known, stating that the bishop of Waterford, who had the collection of the tithes of a living in Tipperary, the parish of Caher, had raised his tithes, during the late distress, four pence an acre. A great majority of the population of that parish are Catholics, and have been much pressed by tithes and church rates. The tithes had been farmed, with the approbation of the parishioners, at 1*s.* 6*d.* per acre, to several persons, for a number of years, to prevent the employment of a proctor. These persons gave up their lease without the knowledge of the parish, and after the crops were got in, a demand of 2*s.* per acre was made, by order of the bishop, who threatened actions, and after much trouble agreed to accept 1*s.* 10*d.*, being an increase of 20 per cent, although the value of every produce of the soil was much decreased. He had the documents in his hand to prove the whole of that case, and he considered it a very objectionable one; and an example of what was doing in the exaction of tithes with the knowledge and sanction even of a bishop. It also appeared (Mr. H. said), by a memorial from the land-owners of the parish of Aglish in Waterford (which he read) dated the 23rd of Jan. last, addressed to the Rev. Wm. Power, "that their tithes were also increased—that, now when wheat is sold at 15*s.* to 20*s.* per barrel, and barley at 7*s.* 6*d.* to 10*s.* 6*d.*, it is not reasonable they should be tithed at the same rate as when wheat brought 50*s.* to 60*s.* per barrel, and barley

sold from 25s. to 31s. 6d.; and that it is still more contrary to reason and justice, that, as prices fall, tithes should increase."

He next proceeded to read an affidavit from James Conway, dated the 22nd of March, 1822, and he had no doubt that it was more deserving of credit than many of the affidavits on which the rights and liberties of Ireland had been frequently suspended and taken away, in which that individual deposed, that the money demanded of him for tithe last year, amounted in value to one-fifth of his whole produce, and that, being unable to pay it, the clergyman had threatened process against him to recover it.—He believed that many of those whom he then had the honour of addressing, knew, that in many cases the expense of such process far exceeded the value of the tithe which it was to recover. As an example, he would state that, in the parish of Aglish, the expenses on a tithe suit for 4 or 5l. had increased the debt to 40l; and it was, therefore, unnecessary for him to point out the ruinous consequences of contending in such cases. If any thing farther were necessary to elucidate the calamities to which that system led in various parts of Ireland, it was to be found in the letter and address sent by the inhabitants of the patent of Ballity, in the parish of Annadown, in Galway, to the grand jury of that county at the Spring assizes of this year. Here the hon. member read the documents in question, which stated, "We suffer wrongs and oppressions beyond measure, and every effort made to redress our evils, has been shamefully suppressed by influence, or baffled by intricacy. To add to our distresses, the payment of our tithes has been intolerable—we are charged much higher for them at present, when our wheat sells from 5s. to 8s. per cwt., than formerly when it sold for 25s. per cwt. For the payment of those tithes, our cattle are stolen away at night, under the sanction of a decree; different instances of which have occurred within this fortnight, at a period, too, when we have no money, several of us have been obliged to sell our little collection of wool, though in process for a coat. The demand for tithes and costs exceeds half the proceeds of our corn—many of us are almost destitute of food or raiment; some amongst us are literally starving, and others subsisting solely on damaged wheat. What to do, or where to apply for relief, we know not; misery is heaped on distress, and we bear it patiently, rather than forfeit our exemplary character. We thus publicly disclose our misfortunes, in the hope that if there exists now-a-days, virtue, integrity, or justice, something may be done to correct the present destructive system of tithes, and the frauds committed on the poor by a certain class of high constables." Now, he would ask, whether it was fitting that ministers should leave Ireland in the state in which these documents described it to be? Would they allow such grievances as were detailed in them to remain unredressed—grievances which it was proved did not exist here and there in isolated cases, but prevailed generally throughout Ireland. [Hear, hear!] The facts were beyond contradiction—they were as undoubted as they were distressing. If additional evidence of the fatal influence of the tithe system in Ireland was wanted, he might refer to many official documents—he might refer to a report on the table of that House—he might refer to the testimony of many persons of undoubted veracity.—That man must have a heart of stone who could hear unmoved the forcible and eloquent statement of those evils made on a former night by the hon. member for Sligo; and, had he not known how the House was constituted, he should have expected that it would have called upon the minister, with indignant voice, to account why he had allowed such evils to prevail so long without an attempt to remove them. The grievances of Ireland were allowed on all hands, and yet the government delayed all inquiry, and denied all redress. The consequences were horrible, but they were only what might be expected from such usage. The people, unable to bear up against accumulated oppression, violated the law, and the country became a scene of bloodshed and anarchy.

Passing over, for a moment, the injustice to Ireland, he would ask, was it dealing fairly with the people of England to leave the Irish population in that state. —The people of England, who were obliged to support an immense and expensive military establishment to keep down the wretched population of Ireland, whom this system of abuse, coercion, and oppression was perpetually driving into outrage and rebellion. [Hear, hear! from the ministerial benches.] He said "hear," too, and heartily wished the whole country could hear him, whilst he was denouncing a system which had so long

been the scourge and degradation of the sister island. The secretary of state for the home department (Mr. Peel) and the attorney-general for Ireland (Mr. Plunket), had deprecated inquiry into the grievances of Ireland. The attorney-general was an Irishman, and, judging from his former conduct, might have been expected to feel for the sufferings of his country. The right hon. secretary had been a number of years in that country: He had, on various occasions, talked much and loudly of his regard for it; but how did he show that regard?—by opposing her rights, and by deprecating inquiry into her grievances. It was a sad omen for England to see a minister (Mr. P.), who had long allowed these grievances to continue in unimpaired activity in Ireland, preferred to a high situation in its internal government; but he trusted that Providence would avert the unpropitious omen, and would inspire the administration with an earnest determination to adopt efficient measures to put an end to the causes which had so long produced the sufferings and misery which desolated Ireland. If the government refused to afford a remedy for these grievances, it ought not to be surprised, that those, to whom it would not do justice, endeavoured to extort it by the last resort of the enslaved and oppressed—force of arms. When grievances became intolerable, and redress was refused, resistance became a duty. [Hear, hear! from the ministerial benches.] Surely hon. gentlemen did not intend to deny that doctrine; if they did, he would tell them, that resistance to oppression was the constitutional doctrine of these kingdoms; and what was more, the constant remedy to which the oppressed resorted. It was on that principle, that the Stuarts had been expelled from the throne by an abused and irritated people; and experience of the past ought to teach present caution. He would maintain, that if a people were left to the hopeless oppression under which Ireland groaned, they would be less than men if they submitted to it as a permanent system; and the Irish were not less than men [Cheers.] In all the disturbances which had rapidly followed one after the other in Ireland, for the last century, no one would be bold enough to say, that the tithe system was not one of the grand moving causes—one of the principal evils complained of [Hear, hear!].

The hon. member then read an extract from a pamphlet, entitled, "The Past and Present State of Ireland," the author of which, he stated, was well known, and he (Mr. H.) was anxious to quote it in corroboration of his own opinion on this subject. (P. 43.)—"Tithes, the pretence, therefore, and cause of an hundred insurrections, belong to this part of the subject—a tax more vexatious than oppressive, and more impolitic than either; vexatious, because paid directly, and in kind, at unequal and fluctuating rates; impolitic, because it is vexatious; because a people, unanimous in this alone, declaim against it; because it might be replaced by a more equal, certain, and satisfactory imposition. I disregard, as an obstacle, the divine origin of tithes; and disallow the claims of the church to them as the hereditary property of those whose clerical character is not itself hereditary."—He (Mr. Hume) contended, that nothing but a total and wilful disregard of the wants, the feelings, and the comforts of the people could have induced the government to neglect redressing grievances which had been so long exposed. He then read another extract from the same pamphlet, to show that he was not singular in the view which he had taken of the mischiefs occasioned to Ireland by the non-residence of its bishops and clergy.—"A friend to religion, I am an enemy to salaried idleness—to 2,500 parishes I would have 2,500 parsons: no curates at 80*l.*, nor absentees at 2,000*l.* a year;—no starving zeal, no lazy affluence. The establishment which laymen are invoked to defend, churchmen should support by their presence, dignify by their piety, and extend by their example." He would say, without the fear of contradiction, that, generally speaking, neither archbishops nor bishops, in Ireland, did their duty. [Hear, hear!]—It was necessary that the truth should be told—the state of Ireland would allow the matter to be minced no longer. [Hear, hear!] Many of them were non-resident themselves, and all of them, permitted the non-residence of their clergy. To illustrate the truth of what he said, and the mischief thus created, he would, as an example, refer to a correspondence between lord Blaney, the parishioners of Castle Blaney, and the bishop of Clogher, respecting the non-residence of the clergyman of their parish. Here the hon. gentleman read the following address:—

"To the right hon. lieut.-gen. lord

Blayney.—My lord; we, the inhabitants of Castle Blayney, and of the parish of Muckno, beg leave to represent to your lordship the extremely unpleasant situation in which we are placed, from want of a resident rector, suited to administer relief or comfort to our families, or to those who are afflicted with sickness or bodily infirmity. We long since petitioned the late bishop relative to the extreme hardship, injustice, and impropriety of the rector not residing in his parish, or among his parishioners. Our complaints, however just, have not in any respect been attended to—the parish has every thing to complain of,—neglect, indifference, and non-attendance to their infirmities or wants, by those who are so liberally endowed and provided for, to perform the solemn duties which they have most shamefully neglected. We do therefore pray your lordship may adopt such measures as to you may appear advisable, to have our grievances redressed.—For selves and parishioners,

(Signed) "E. Hunter,
"W. Twibill,
"Churchwardens."

The answer of lord Blayney stated as follows:—"It is a sad misfortune, and I may say it is peculiar to Ireland, that whoever attempts to remonstrate or complain of any thing publicly injurious, is sure to be opposed by the jealousy of some, and the distrust of others; while on the other hand, public spirit has not as yet gained sufficient authority to sustain itself against interested combination." "I candidly confess, that I am not surprised to see so many landed proprietors withdrawing themselves from a country in all respects so circumstanced: for be assured that nothing can be more revolting to an independent spirit than the system universally complained of, which appears to have no other object than to banish the gentlemen of property from their estates, and to deprive their tenantry of the advantages of their residence."—The memorial of the petitioners to the bishop complained in bitter terms of the want of a resident clergyman, who might be at hand to administer spiritual comfort in times of sickness and affliction, which they conceived to be as important a part of the minister's duty, as the performance of church service at stated times:—an advantage which their Catholic and Dissenting brethren invariably enjoyed. Lord Blayney stated, that "the notorious disregard paid to the earnest entreaties of the Protestant parishioners for a resident clergyman, favoured the progress of discontent, and gave rise to various popular predictions unfavourable to the stability of the established church, and was peculiarly mortifying to all who had its interests at heart." He would ask the right hon. secretary, whether lord Blayney's letter did not speak the truth? He would ask him whether the abuses, springing out of the absenteeship of the clergymen, were to be any longer endured? From this correspondence it appeared, that complaints of the incumbent's non-residence had been made, but made in vain, not only to the bishop of Clogher, but to his primate. The hon. member (Mr. H.) asserted, that, from lord Blaney's letter, it was also quite evident, that the evils to which his lordship had called the attention of the bishop of Clogher were general; and, if they were so, to what fatuity was it owing that the government so long tolerated them? If the non-residence of the gentry was occasioned by the disturbances of the country, was it not, he would ask, the duty of the government to put an end to that system which compelled them to expatriate themselves against their inclinations? If the absence of the clergy was any cause of the disturbances, was it not the duty of the government to compel their residence and thereby remove that cause? It might be all very well for the members of government to lament and deplore the evils produced by the absenteeship of the clergy and gentry, but regret and lamentation was not all that was demanded of them—they were bound to trace the evil to its source, and to remove the causes which led to it. It was sometimes asserted, that the people of Ireland did not exhibit any desire for spiritual assistance. The letter of the parishioners of Castle Blaney to the bishop of Clogher would disprove that assertion, and show, that they were more eager to receive, than their pastors were ready to grant them that instruction, for imparting which the established clergy were well paid; instruction which the clergy of every other religion cheerfully ministered. By a return* which had been made to the House in 1819, it appeared that there were 2,259 parishes, 1,270 benefices, with cure of souls, in Ireland; 1,140 churches — 192 benefices

* Parl. Papers, No. 93, of 1820.

without churches. There were 763 resident incumbents, 507 non-residents, and 453 unions of two or more parishes. The number of benefices and residents vary in each return. In 1817,* the number of benefices were 1,309, and of these 765 only were incumbents resident. In 1818, there were 1,289 benefices, of which 758 were non-resident incumbents. After these returns, men might talk about religion—and no set of men were more in the habit of canting about the necessity of religious instruction than his majesty's ministers. [Cheers and laughter];—but he would ask them, whether the bishops, by allowing non-residence in such a multiplicity of instances, did, or did not, show an unbecoming disregard of their religious functions? With regard to the clergy who held these benefices, he had been told, that, in many instances, they were men of high family placed in the church more, for the benefit of their private fortunes, than for promoting the religion they professed. These abuses naturally grew out of the system which had been all along pursued in Ireland;—that system which provided for the younger branches of the leading families in Ireland—to the injury of religion—to the lasting discredit of the church. The interests and the honour of both were thereby compromised, and the influence of the church establishment made subservient to the ambition of the aristocracy, and the political purposes of government. This system ought immediately to be put an end to.

Dr. Paley has very properly observed on such practices,† "that by converting the best share of the revenue of the church into annuities for the gay and illiterate youth of great families, threatens, but to starve and stifle the little clerical merit that is left among us." [Cries of "Hear!" from the Treasury-benches.] He would repeat, that such was the general mode of its disposal, and such were doubtless the results. He should be able most clearly to prove the fact, if the House would appoint a committee. [Hear!] So great were the abuses which prevailed in the church of Ireland, that there were instances of bishops receiving 10,000*l.* or 20,000*l.* a year, for the performance of their spiritual labours and holy duties, who had remained absent from the country for fifteen or twenty years together. [Hear, hear!] He did not see any reason why he should not mention the name. The late bishop of Derry had remained for fifteen or twenty years with his family in France, and during that time, it was said, that he never set his foot in the diocese. Was that the way the church ought to be governed? Was that the way to uphold the character of the established religion? Would it not be far better for government to resume the whole church property of Ireland (on the death of each incumbent), and, henceforth, to distribute it to those only who would perform the duties of their sacred office: thus restoring it to its original purpose, the promotion of religion.

One strong reason for proposing the inquiry which he had in view, was to be found in a letter of the late archbishop of Armagh to earl Talbot, complaining that "the real state of the church of Ireland was indeed little known, and had been therefore often extremely misrepresented." This letter, dated 15 Nov. 1819, was to be found in the papers (No. 93 of 1820) laid before parliament containing important returns respecting the Irish church. His (Mr. H's.) wish was, that the real state of the church should be known and it was with that view he had brought forward this motion. With that view the government of Ireland, in 1806, during the vice-royalty of the duke of Bedford, directed queries respecting the residence of the clergy, the number of churches and glebes, and the state of church property, to be transmitted by the different bishops, for the purpose of affording to his majesty the necessary information respecting their amount, &c. The answers were very inadequate and imperfect, and rendered it necessary to call for farther information in 1819; and the returns he alluded to were made in consequence of these orders: but the information required by them had not yet been given in the satisfactory manner it ought to have been given. The only tolerably full answers were sent by the bishop of Elphin. Out of 1,270 benefices, answers to the principal queries had only been sent from 462; and from 808 of them, the answers were very imperfect. The archbishop of Armagh might, therefore, with propriety observe, that the state of the church was little known, and that certain arrangements were necessary to secure the attainment of the information which it was the object of government to acquire. Now, if the committee which

* Parl. Papers, Nos. 6 & 580 of 1819.
† Vol. I, c. 14, page 181.

he (Mr. H.) meant to move for, was appointed, it might take the steps pointed out by the archbishop of Armagh and any others that would be necessary ultimately to obtain that complete information which was essential for the proper adjustment of this important subject.—From what was contained in the documents before the House, he might lay the most satisfactory grounds for an enquiry by a parliamentary committee to complete the information; which he was confident would never be given by the bishops, nor in any other way be obtained than by a committee of the House. On the authority, therefore, of the primate of Ireland alone, he thought the House would be fully warranted in appointing the committee.

It was difficult to know the amount of landed property belonging to the several Sees of Ireland, but he believed it to be much greater than hon. members had any idea of; and this rendered it the more necessary for it to be accurately known. Dr. Beaufort, in his memoir on the Church of Ireland, estimates the number of acres belonging to each benefice at 11 or 12,000 on an average, but he no where gives the grounds of the estimate. The surface of Ireland had been stated at 11,900,000 Irish acres, or about 18,700,000 English acres. From the best information he could obtain, the church property in Ireland consisted of two-elevenths of the whole of the land. He meant that, as the amount of property belonging exclusively to the bishop's Sees, for the church had also the tithe of a large proportion of the remaining nine-elevenths of the produce, the precise amount of which it was difficult to ascertain on account of the quantity exempted under the act of agistment, and what was tithe-free in lay hands. How was that immense church property disposed of? The archbishop of Armagh had, for example, in money rents, out of his church property, about 14,000*l.* or 15,000*l.* a year, but the estates of the See, according to Mr. Wakefield's estimate, would, if let out at rack rents, like other land in Ireland, produce from 140,000*l.* to 150,000*l.* a year. The estates of the bishop of Derry, if out of lease, would let for 120,000*l.* a year; the lands of the bishops of Kilmore and Clogher, at 100,000*l.* each; those of Waterford, 70,000*l.*; of Cloyne, 50,000*l.* &c. &c. This property was given in lease at low rents to the relatives and connexions of every bishop in succession, or, on political grounds, to particular families. Towards the efficient reform of the church of Ireland, therefore, which he contemplated, the first step ought to be to ascertain the number of acres in each bishop's see, and the value of those acres, if properly and fairly let. When this information had been obtained, a computation, how far the revenue of the bishop's sees would be enough, or more than enough, without the exaction of tithes, to pay the whole of the bishops and clergy of the country might be made. By the assistance of Mr. Mills, the surveyor, who had assisted him and had calculated the number of acres in those benefices returned to parliament as being a certain number of miles square; by the quantity of acres in each county from Dr. Beaufort's account; and by the rental per acre from Mr. Wakefield's statistical statement, he (Mr. H.) had endeavoured to come at a rough estimate. The county of Donegal for example, contained 679,550 acres, valued at 7*s.* per acre, yielding, in all, a rent of 237,842*l.* The Catholic population of that county was 116,667; and the Protestant, 23,333. The county of Mayo had 790,600 acres, valued at 21*s.* per acre, equal to 830,130*l.* annual rental. The number of Protestants, 1,750, and of Catholics, 138,250. In that manner every county had been estimated separately, making a total of 14,110,601*l.* sterling, of annual rental for Ireland. How far he was above, or below, the real estimate, he could not tell; but he had given his authorities, that every one might judge for himself. If the church property was two-elevenths of the whole, it followed, that, if properly managed, 2,565,564*l.* might be taken as the estimate of the annual rental of the two-elevenths. Add to this the tithe on a large portion of the remaining nine-elevenths of the land,—that tithe taken at from 1*s.* to 21*s.* per acre, for wheat and potatoes, and the amount would be enormous;—much too large, in his opinion, for the maintenance of the Protestant clergy. The church property in Ireland, if properly managed, would alone be sufficient to pay handsomely, the expense not only of the established church, but of the Catholic clergy, and pastors of every other denomination, who ought to be paid, by the government out of one common fund, as was now the case in many parts of the continent—a

measure which he would warmly support, because he thought the whole of the clergy were entitled to an allowance, and because the payment of them by parliament, would greatly tend to destroy religious distinctions, and to establish tranquillity in that country. Dr. Beaufort estimated the whole population of Ireland, in 1792, at 3,733,320, of which only 522,023 were Protestants. A late census had made the Catholics nearly double that number at the present time, with but little addition to the number of the Protestants. That great disproportion between the Catholics and Protestants should be seriously weighed before any measures were adopted respecting the church property and tithes? [Hear, hear!] England and Ireland were now almost the only countries in Europe in which tithes were collected in so peculiarly oppressive a manner, by one-tenth of the produce of the land being claimed for the support of the clergy. The clergy were, by the computation of the rev. Morgan Cove, about the one-eightieth of the population; and was it fair they should receive one-tenth of the produce of the land? And why was this done in England and Ireland? Were these countries, under this system, superior in religion or in morals to Scotland under a very different one? Was the Christian religion better taught, and its examples better enforced, by the clergy in these two countries? He thought not; but, on the contrary, that Ireland was inferior in these respects to any country in Europe. The clergy in Ireland were greatly overpaid; and, therefore, they neglected their duty, or did comparatively very little. The government ought honestly to inquire into the church establishment and the tithe system, with the view of reforming both, without being influenced by any political consideration. He knew that the clergy were too much used as a political support to the government; but, in his opinion, the government which could not stand, without the political support of a church establishment, ought not to stand at all. [Cries of "Hear!" from the Treasury-benches.] He was not to be intimidated by those cheers, but would repeat, that the acts of that government must be bad indeed which required the political support of the clergy for their maintenance. [Hear!] He knew that advantage would be taken of his expression; but he begged not to be set down as opposed to the church establishment, when he spoke only of reforming its abuses. What he insisted upon was—that the church of Ireland did not require the large amount of property, which it at present possessed, to support its members in the proper dignity of their important stations; and to enable them to fulfil their sacred duties in a more efficient manner than they now did, both as regarded the true interests of religion and of the people intrusted to their charge. [Hear!] As the right hon. and learned member opposite appeared particularly to cheer the opinion he had given respecting the connexion of church and state, he (Mr. H.) would beg leave to read the opinion of a learned divine on that subject;—"The authority of a church establishment "(says Dr. Paley) is founded in its "utility; and, whenever, upon this principle, we deliberate concerning the form, "propriety, or comparative excellency of "different establishments, the single view "under which we ought to consider any "of them, is that of 'a scheme of instruction;'—the single end we ought to "propose by them is, 'the preservation "and communication of religious knowledge.'—Every other idea, and every "other end, that have been mixed with "this, as the making of the church an "engine, or even an ally of the state; "converting it into the means of strengthening or diffusing influence; or regarding it as a support of regal, in opposition "to popular forms of government; have "served only to debase the institution, "and to introduce into it numerous corruptions and abuses."—The doctor farther adds, "that it is lawful for the "magistrate to interfere in the affairs of "religion, whenever his interference appears to him to conduce, by its general "tendency, to the public happiness."

There was no other country in Europe, where the evils of the tithe system, and the expense of the church establishment, had been allowed to continue so great as in England and Ireland: and it might be of use, shortly to enquire, what systems existed in the several European states, beginning with Italy, which he selected, because in the neighbourhood of the pope, the head of the Catholic church, to which tithes were first granted in Europe.

In Piedmont, throughout that principality, tithe was an object of little account. The greatest part of the lands were tithe-free—the rest paid from 1-20th to 1-50th of the produce.

In Sardinia, certainly, the tithe of corn was heavy; about 1-10th, in many cases, of the produce.

In the Milanese, Venetian, and Ecclesiastical states, the rates all varied, but were very light, and never complained of.

In the duchy of Modena, and Parma, there was no real tithe, but a small modus in lieu of them. Arthur Young, in noticing the tithe in Lombardy, states, that one observation strongly impressed itself on him, that the patrimony of the church was, under every government in Italy, considered as the property of the state, and taken, or assigned by them accordingly.

In the free countries of Holland and Switzerland, the same principle had been adopted. And it seemed unaccountable that the first National Assembly of France should have been blamed, as guilty of a singular outrage, for doing what almost every country, except England and Ireland, had done with their tithes and church property. Spain was at that time an exception, but had lately followed the example of other European states.

In Naples, the clergy were stated to be rich, and were calculated to possess one or 2-3rds of the income of the kingdom, and a considerable share of its soil.

In Sicily, the clergy were also numerous and rich, which explained why the governments in both countries were poor, and the people impoverished.

In Tuscany, the grand duke Leopold gave an example of reform which might be followed with advantage. The property of the Jesuits had been taken and formed into a fund called the Ecclesiastical Patrimony, and placed under the jurisdiction of a separate tribunal, in order to enable them gradually to abolish tithes. This great reform, equally beneficial to all classes of the people, had been in operation for many years, and, as fast as the incumbents died, the tithes of the parishes were abolished for ever, and incomes appointed for the clergy in succession, out of that fund. If the incomes of the episcopal sees in Ireland were as great as they were supposed to be, he could not see why, whenever they became vacant, they should not, in the same manner, be set aside for the payment of the clergy, and to prepare for the gradual abolition of tithes. In France, it was well known that tithes were abolished, and the clergy paid by the state; the money being voted by the Chamber of Deputies, in the same manner as for the pay of the army and navy.—The archbishops and bishops were very differently provided for from those in this country. The archbishops had 800*l.* a year, and the bishops 600*l.* He did not say that the bishops here should be kept so low; but it would be much better that they should all have an equal allowance (it was of little consequence whether of 4 or 5,000*l.* each, a-year), than that some should have the enormous incomes which they enjoyed, whilst others had incomes so small as not to be able to meet the expenses of their stations, without holding a plurality of offices and livings, the duties of which their situation precluded them from performing. If the allowances were equalized, the eager desire for translation would be taken away, and with it, the influence of the Crown over the bishops, which now made them notoriously subservient in the exercise of their political functions.

In Germany, the clergy every where received fixed salaries from the government; but the tithes were still in some places levied by the government, or by lay impropriators, at different rates, never amounting to a tenth. In that part of Germany left of the Rhine, tithes had been entirely abolished, as in France.

Prussia, in 1816, contained a population of 10 or 11 millions, of different persuasions—all religious persuasions, as the Lutherans, Catholics, Calvinists, &c. were on an equal footing, and were all paid by the state, in proportion to the number of their congregations. The court were Calvinists, and although the Lutherans and Catholics were 10 or 20 times more numerous, no danger accrued therefrom to the state.

In Prussia, according to the budget, published the 6th June, 1821, the charge for "the ministry for ecclesiastical affairs and for education and hospitals," was 2 millions of six-dollars, or about 307,692*l.* sterling. The clergy of each persuasion were paid by the state; and, he believed, each minister had a house and some glebe land attached to it. In the Netherlands, the population of which were from 5 to 6 millions, tithes had been abolished; and in the budget for 1820, were the following items:—For department of the Reformed and other worships, 1,325,755 florins: for the Catholic worship, 1,826,856 florins: for public education, 1,048,355 florins: In all, about 350,290*l.* sterling. The seven old Protestant provinces of

Holland had about 2 millions of guelders, or 180,000*l.* sterling; and the ten Catholic provinces, by the concordat of 1801, were to be paid by the state, in the same manner. In France, the established religion is Catholic, and the concordat of 1801 and 1817, restored the clergy to regular allowances. The bishops at salaries as already stated, and the parochial clergy at 40*l.* to 60*l.* a-year. In the budget for 1820 the following sums were stated:—For the Catholic clergy, salaries and pensions, 27,000,000 francs; for clergy of other religions, 600,000 francs; Total, 27,600,000 francs, equal to 1,191,600*l.* sterling.

In Denmark, the established religion was Lutheran. Staudlin, an author of authority, in his Ecclesiastical Geography and Statistics, in 1804, says, that "the Danish parochial clergy had upon the whole, greater incomes than in most Protestant countries. They enjoy the third part of the former tithes. The other two-thirds belong to the church, or its patron, and the king. The income of the bishops in no case exceeding 7,000, or being under 2,000 rix-dollars."

The same author states, that in Sweden, the constitution of the church bears a great resemblance to that of Denmark. At the diet of Westeraas, in 1527, it was determined, after a long opposition on the part of the bishops, and their adherents, "that the king should have full power over churches and foundations and their revenues, and should appropriate from them as much to the domains of the Crown as he should think proper."

In several of the cantons of Switzerland, the religion was exclusively Catholic; and in others exclusively Calvinist. In some cantons both religions were allowed. In all the cantons great changes were introduced by the French Revolution. In most of them, the tithes (where tithes existed), and the church property, were sold, and salaries to the parochial clergy assigned out of the proceeds. Proprietors of titheable lands were allowed to purchase up their tithes at a moderate valuation.

In the Austrian dominions the church had large revenues, which the emperors charged heavily whenever they wanted money. The emperor Joseph seized the whole property of several convents, churches, &c.

In the kingdom of Wirtemberg;—the population 1,395,462; the Catholic, Lutheran, and Calvinist religions, all equal, and the clergy all paid by the state; in the budget for 1820, presented by the finance minister to the States of Wirtemberg, the clergy and schools were classed as follows:—

		Money Florins.			Florins.
The Lutheran Confession		255,472	....	Victuals converted into Money	288,816.
Calvinist	ditto.	827	....	ditto.	1,226.
Catholic	ditto.	188,382	....	ditto.	41,691
Stipends to a foundation for females		6,760	....	——	——

Together, 786,147 florins, or about 37,346*l.* sterling.

In the kingdom of Bavaria;—the population, 3,560,000;—religions, Catholic, Lutheran, and Calvinist, all equal; clergy all paid by the state;—In the budget for 1819 were the following entries;—For worship 1,195,000 florins; For education, 692,000; in all, about 132,[illegible]*l.* sterling.

In the grand duchy of Baden;—with a population, in 1819, of 1,019,785; religions, Catholic, Lutheran, and Calvinist, all equal; and the clergy all paid by the state;—In the budget for 1819 were the following entries; viz. for particular institutions for Worship, 33,964 florins; For universities, gymnasiums, &c. 110,978 florins; Salaries of clergy and teachers, 318,000 florins; Support of churches and school-houses, 50,000 florins; in all, 512,942 florins; equal to about 36,838*l.* sterling. He had been thus particular in stating how the church property had been regarded, and how the clergy were supported, in other countries, in order to do away the impression which the statements of the right hon. gentlemen opposite might make on well-meaning persons, that there would be danger to the religion of the country, by meddling in any way with the tithes or church property in Ireland. Precedents so numerous as to what had been done in other countries, with advantage to the state, and to religion, proved that we might do the same, if we should think proper, without apprehension of any bad consequences: and the more recent example of the tithe of agistment in Ireland deserved particular attention. If the income of the Irish bishopricks were, as he believed it would

be found, adequate to all ecclesiastical expense, why not abolish tithes, as had been done in other countries, instead of urging the people, by their exaction, to rebellion and ruin? It would be a great relief to the landed interest at the present time to have a moderate commutation of their tithes, leaving the clergy to be paid from one public fund.

The abuses in the distribution of church preferment, in the frequency of non-residences, and pluralities, would be seen by a reference to the returns laid before the House last session. He had made an abstract of each diocese for that purpose, and would state, as examples, some instances in Armagh, Derry, Cashel and Emly, which he considered deserving special notice, and likely to give some idea of the extent of the livings and non-residence; but no public documents, he (Mr. H.) knew of, would afford the House any correct information as to the value of the church property, properly so called, forming the chief income of the bishops and the dignified clergy.

In the diocese of Armagh there were 50 resident rectors and vicars, and 11 non-resident; there were 17 curates resident. Of the pluralists, sir Thomas Foster held the union of three rectories in Armagh, of 4,670 acres extent, with 17 acres of glebe and house. He had another living of one rectory and two vicarages in Dublin diocese, containing 12,800 acres, with 30 acres glebe and a house, where the duty was performed by a curate at a salary of only 75*l.* a-year. He had also, he understood, the mastership of Carysfort-school. Charles Beresford had an entire rectory, but there was no return of its extent; he had however 4,000 acres of glebe, of which 477 were in an improved state. He had also the entire rectory of Kellasher in Kilmore, no extent returned, but 1,300 acres of glebe, where a curate was resident at the salary of 75*l.* James Graham had two entire rectories, but no extent returned; there were 2 houses, 337 acres of glebe, besides 84 acres of mountain tract. A curate at 75*l.* a-year was resident at one of the rectories. The hon. Charles Knox, archdeacon of Armagh, had a living of two parishes in Armagh, where he was resident, without any description as to extent or value, but with 1,050 acres of glebe, and a house. He held also the union of Bray of four parishes in Dublin, containing 9,600 acres, with 24 acres of glebe and a house, where a curate resides at a salary of 75*l.* a-year. Henry Stewart had the entire rectory of Keady, with 40 acres of glebe and a house where he did duty. He had also the union of Mothel, consisting of three vicarages in Lismore, episcopally united in 1810, and containing 19,200 acres, where a curate officiates for 75*l.* a year. Richard Stewart had an entire rectory, without quantity stated, and with 527 acres of glebe, and a house. He had also another benefice, but not stated where. There are other very large glebes returned, John Jephson had 1,082 acres of glebe, and house, an entire rectory. James Lowry, an entire rectory, and 946 acres of glebe, only nine of which were unimproved. William Bisset, an entire rectory, with 700 acres of glebe, and house. The average rental of land in the diocese of Armagh is stated, by Mr. Wakefield and others, at about 20*s.* per acre.

In the diocese of Derry, there were 32 resident rectors, and 15 non-resident; there were six curates resident and one absent. James Saurin, the dean, had an union made by patent in the reign of James 1st, of three parishes, of an extent of 89,600 acres, near the city of Londonderry. There were also three perpetual curacies, but no return by which their extent can be estimated. This benefice contains three glebes, one of 600 acres, one of 150 acres, within one mile, and one of 600 acres, within three miles of Londonderry. The duties of that large district were performed by the dean, assisted by 6 curates. The income of that living must be immense. The rev. William Knox had two rectories and vicarages, with 84 acres of glebe, and two houses, but no extent of rectories returned. The duty done by curates, at 75*l.* a year. The rev. Spencer Knox had two rectories and vicarages, with 428 acres of glebe, and 2 houses; but no extent returned. The duty done by curates on salaries of 75*l.* The hon. Edward Knox, dean of Down, had tithes of five parishes, of 20,000 acres in that diocese as corps of the deanery.—The duty performed in each parish by curates at 100*l.* yearly salary. Small glebes have been purchased by the board of first fruits, for three of those parishes. There were also many large glebes added to large benefices in the Derry diocese. Dr. Burrows, the Principal of the endowed school of Enniskillen, had the rectory of Drumragh and a glebe of 550 acres and

a house. Gilbert King had a glebe of 1,610 acres. The absent rector, of Cuppagh, W. Magee, had 930 acres, and a house. The average rental of land in this diocese was given by Mr. Wakefield and others at 18s. per acre.

In the diocese of Cashel and Emly there were 23 rectors resident, and 15 non-resident; 7 vicars resident, and 7 non-resident; 4 curates resident, and one absent. R. C. Armstrong had rectorial and vicarial tithes of the union of Ballintemple of four parishes, containing 5,868 acres, a glebe of 20 acres, and a house. He was also vicar of Rathcole in Ossory, and had vicarial tithes of 3,840 acres: the duty was performed by a curate of an adjoining parish for 20l. a year. Richard Bagwell had rectorial and vicarial tithes of three parishes, containing 8,217 acres, as chantor of Cashel, with nine acres of glebe, and a house. The duty of these parishes was performed by three curates at small salaries. He had also, as dean of Clogher, an entire rectory, quantity unknown, with 500 acres of glebe, and a deanery-house. T. B. Gough had the rectorial and vicarial tithes of three parishes containing 7,162 acres, with 19 acres of glebe, and a house; where a curate did the duty for 75l. a year. He had an entire rectory in Leighlin and Ferns, where he resides and does the duty. Joseph Palmer the dean of Cashel, had the rectorial and vicarial tithes of three parishes containing 7,965 acres, with 111 acres of glebe: also three rectories in Killaloe, without cure of souls. He was also precentor in Waterford, and had two other sinecure rectories in that diocese. James St. Leger had four entire rectories, containing 8,835 acres, with 11 acres glebe, and a house. He had also three entire rectories in Cloyne, containing 7,680 acres; and resides, generally, on account of his health, at Bath. The average value of the rent of land in the diocese of Cashel, was stated by Mr. Wakefield and others, at 45s. per acre. The grievance was not alone in giving to one individual, two or three livings in different dioceses, but was greatly increased by uniting several parishes, some of them of great extent, into one benefice. The power of granting dispensations to the dignitaries of the church, and to the clergy, to hold two or more livings, and to be absent from them, rested entirely with the bishops, who were, therefore, responsible for the abuse. This power and patronage, he thought, were too great for them to possess. Dr. Beaufort stated, that the bishops had the patronage of appointing to the livings of 1,392 parishes, whilst the Crown had only 293; that 367 belonged to lay patrons; and 21 to the university; that there were 95 parishes impropriate without churches or incumbents. Mr. Wakefield stated, that there were only 118 wholly impropriate parishes in Ireland, and 562 impropriate rectories with vicarial endowments, which lessened the difficulty of making a speedy and proper reform in the value and disposition of the livings in that country. Mr. Wakefield also said, that the livings in the gift of the archbishop of Cashel, were worth 35,000l. per annum. Those of the bishop of Clonfert not so much; of Cloyne, 50,000l.; of Cork 30,000l., &c.; and that many benefices in Killaloe, and other dioceses were worth 1,500l. and upwards, a-year. The non-residence was, indeed, a serious evil, and deserving of immediate attention. The want of a church and of a glebe-house, with sufficient stipend, had often been the pretence for non-residence; and parliament had voted 7 or 800,000l. within the past few years, in addition to the sum arising from first fruits, for the purpose of removing these objections. By patent of queen Anne, confirmed and amended by the 2nd Geo. 1st, c. 15, and other acts, the first year's profit of every benefice or ecclesiastical promotion, (which had been annexed to the Crown by Henry 8th), were granted to commissioners, as trustees, to build and repair churches, and increase the stipends of the poor clergy; but, so completely had that intention been frustrated that these commissioners had only, in the last ten years, received 3,000l., although one year's income of the Sees, and livings vacant in that time had been worth 300,000l. and more. [Hear!] It appeared to him a shameful proceeding, that the people of England should be taxed for such large sums of money for the building of churches, and the increase of stipends for the poor clergy of a church, already so rich, and with such ample provision for these purposes from existing funds. [Hear!] He (Mr. Hume) had examined into the application of that money voted by parliament, and found much of it applied in a manner certainly never contemplated by those who voted it. And yet (said Mr. Hume) most of the dioceses call for a farther extension of parlia-

mentary aid for the same purpose: and, as long as this House should so inconsiderately grant funds, so long would the clergy take them, and demand more. The attentive investigation of the returns of 1819, even in their present very imperfect state, would, however, clearly show the causes why the income of many of the resident incumbents and curates were too small to enable them to live with comfort. In the diocese of Cork and Ross, the vicarages of Kilmacabea and Kilfaughnabeg, are returned of a value too small to afford comfort to the incumbent; but this would appear to arise from the rectorial tithes of these parishes being appropriated to the archdeaconry, consisting of a sinecure of four entire rectories. In like manner, the vicarage of Aghadown in the same diocese was put down as too small, because the rectorial tithes also belong to the archdeacon. The church in Aghadown was built by aid of the board of first fruits, whilst the rectorial tithes went to the archdeacon. Temple Michael vicarage, in Waterford, was returned as too small for the maintenance of an incumbent, whilst the rectorial tithes were attached as a sinecure to a prebend. Mr. Lymberry had the vicarage of Kilberry-meaden, which was returned as too small, the great tithes being appropriated to the dean of Cashel, who was also precentor of Waterford. In the diocese of Cloyne, the three entire rectories and vicarages of Inch, Rostellan, and Titeskin were returned as too small for an incumbent, being part of an union of five rectories held in commendam with the see of Cloyne, which union comprised together about 19,000 acres.

It was evident from the inquiries which were directed to be made, in 1806 and 1819, that his majesty desired to be informed of the extent of each benefice; but, whether the fourth query was not precise enough, or from some other cause, the bishop of Elphin was the only one, in the 22 dioceses, who had complied with that order. In that diocese the returns appeared to have been taken in acres from the church allotments; but, from not specifying the kind of land, it was impossible to form any estimate of the value of those few benefices returned as too small to afford comfort to the incumbent; for instance, Killion and Killronan, were returned as an union of 6,847 acres, the incumbent non-resident for want of a glebe; and the whole benefice was stated as *too small* to afford comfort to the incumbent; but whether it consisted of entire rectories, or only partial endowments was not specified. The next benefice, the union of Clonfinlogh, consisted of the parishes of Clonfinlogh and Clontuskart, of 4,740 acres, held by James Little, a pluralist, who also held another union of five parishes in Killala, containing 35,200 acres, with 47 acres of a glebe, and a house. Mr. Little was placed as a non-resident in Elphin, the duties of which, there being no church, were performed by the clergyman of an adjoining parish for 20*l.* a-year. And this union was stated as too small, but no denomination was given, whether rectories or vicarages. It would be found that the money voted by parliament had been given, in many cases, by the board of trustees of queen Ann's bounty, to the curates of benefices where there were sufficient funds, but these funds were enjoyed by the absent incumbents, the greater number of them dignitaries in the church, who did not allow enough for the proper maintenance of their curates. Thus the bishops, acting as trustees of first fruits, had actually voted to their own curates, in some cases, an addition to their income from the public money, which ought to have been paid from the income of the benefices which they received. Thus were the people of Great Britain called upon to pay what the absent incumbents ought to have paid out of their large incomes.

It was not merely from the benefices being held by the dignitaries of the church, a practice so general in every diocese, that the incomes of the resident clergymen were so small, as to render it necessary to unite several parishes into one benefice, to make up a proper income: But it appeared, by the returns, that several of the bishops still received a proportion of the tithes from benefices. In the report of the bishop of Clonfert and Kilmacduagh this practice was fully explained; where, out of 59 parishes, the whole number in the diocese, 44 paid the *quarta pars* to the bishop, and so large a portion of the tithes were taken for the bishop and other dignitaries of the see, that these 59 parishes had been formed into 14 unions, for the purpose of supplying a competent provision for the incumbents; and he proposes, for the consideration of the legislature, the propriety of an allowance being made to him, to enable him to relinquish his share of the tithes to the resident incumbents,

as he understands to have been heretofore done to the other bishops in Ireland. One mischief arising from the union of parishes, as stated particularly by the archbishop of Armagh was, that the churches were suffered to fall into ruins, contrary to the intention of the legislature. Most of the bishops lament their incapacity to regulate the excessive unions which exist, as forming the different corps of dignitaries; and the bishop of Cork and Ross fully explains these difficulties as arising from the statute of the 21st Geo. 2nd, c. 8.

Although, from the vague manner in which the returns were given, it was possible that some mistakes might be detected in the statements he had made, yet sufficient abuses were pointed out to show the necessity of obtaining fuller information on all these subjects. Unless the House went to the root of the evil, it could not obtain the object it had in view. There could be no content in a poor country where the church income was so large, and so unequally distributed; where there were so many non-residents, and, more particularly, where those who chiefly contributed to that income, did not belong to the church they were compelled to support.

He begged pardon for thus long intruding upon the attention of the House; but he felt, that, with the knowledge of these facts, he should have failed in his duty, if he had not proceeded with a specific motion, after the hon. gentleman had abandoned his. Would Ireland be satisfied with a bill, to permit the leasing of tithes, if all parties agreed? Would England be satisfied with it? Was it not then necessary something more efficient should be done, something calculated to pacify that country? It would be vain to expect peace in that unhappy country, so long as this question of tithes remained unsettled; and the first step should be to ascertain the whole revenue of the church establishment in Ireland, the particular value and state of each See, and by what right the dignitaries of the church were receiving so large a portion of the revenue from the benefices, leaving the poor resident curates to be provided for out of the public purse. Unless they embarked in this comprehensive inquiry, it would be in vain to hope for any redress of evils which had been centuries in maturing their fruits. He begged once more to guard himself against the imputation of meddling with any man's property; he proposed to leave every living and See as they now stood for the present incumbents, and it was only upon their death that he desired any alteration in the existing system. [Hear, hear!] Let them remain as interests vested in the parties in possession as private property. It was his intention to have concluded by moving for the appointment of a committee, which would have had ample time to call for documents to render the subject more intelligible, early next session, than it could be if they postponed the investigation until that period; but, having consulted with some hon. members near him, he thought it best, at this time of the session, to move, "That this House will, early in the next session of parliament, take into consideration the state of the Established Church of Ireland, and the manner in which Tithes are there collected, with a view to make such alteration and improvement as shall, under all circumstances, be necessary."

Mr. *Ellice*, in rising to second the motion of his hon. friend, could not refrain from the expression of his gratitude to him, for forcing upon the attention of the House this most important question. He came into the House prepared to support the motion of his hon. friend opposite (Mr. Daly), and he regretted that that motion had been abandoned. He knew, indeed, the deep interest which his hon. friend always took in the affairs of his native country, and the integrity of his views; but he lamented that a question so deeply involving the interests of Ireland should be postponed by gentlemen who were so much more nearly interested in the condition of their own people. He was the more strongly impressed with the necessity of adopting some conciliatory measures for Ireland, when he found they were called upon to re-enact the frightful and odious insurrection bill, for still coercing that unfortunate country. When he saw such a state of things, it struck him, as an Englishman, that if his constituents were suffering all the horrors of famine, oppression, and misery, which now afflicted that unhappy country, it would become his imperative and uncompromising duty to force upon government, even if he gave his general confidence to any set of ministers, the immediate necessity of instituting an inquiry into the grievances of the people, and at least of affording that redress, which a reform of this odious system promised, while they

were arming the law against their outrages. If, as an Englishman, such would be his feelings for his own constituents, he at least ought not to withhold his sympathy from his Irish fellow subjects. He confessed he should rather have voted for a more limited motion than the present, believing the more cautious way in which they approached so momentous and delicate a subject the most likely to lead to good practical results; but he was still prepared to go the length of his hon. friend's motion, rather than suffer the session to pass away without some formal step being taken in the business. It was full time that the state of tithes in Ireland should undergo the most rigorous examination, and he was far from thinking an inquiry into the enormous estates of the church and their application, with a view to such practicable reform as the spirit of the times required, was either premature or inexpedient. In thus stating his assent to the principle of his hon. friend's motion, he begged to be understood as neither agreeing nor disagreeing in the statements, with which he had illustrated it. The grievances were so deep and manifold, that exaggerations from the sufferer were to be expected; but this did not render inquiry the less necessary. The ready objection to all inquiries of this description was, the danger of touching any part of so venerable a structure, and the same was stated to all reforms in the administration of various offices in Ireland. But the right hon. gentleman (Mr. Peel), it was acknowledged on all sides, had made the serious attempt successfully, without any of the dangerous consequences foretold from it, in other departments; and he had been surprised to hear from his right hon. successor in that office, the present secretary for Ireland, that the most extensive reform the Irish government at present contemplated in the tithe system, was some removal of abuses in the ecclesiastical courts. —His advice would be, to inquire whether, it was not practicable to reform those courts, by removing the system which rendered recourse to them at all necessary. This question had again and again been made the subject of parliamentary animadversion, and as often as it was urged, government begged it might be left to them, and that in due time they would be prepared with some plan to submit to the consideration of the House. Year after year had been wasted, without the least approach to a performance of their promise; and now they had the consolatory declaration of the right hon. gentleman (Mr. Plunket) that, as he could not see his way through the difficulty of any satisfactory arrangement, we were to be content to go on with the present wretched system. There was no difficulty in taking away from the people, the sacred rights which ought to be secured to them by the constitution—in passing Insurrection and Suspension of the Habeas Corpus acts; but when we came to talk of tithes, that, in the consideration of this enlightened statesman, was too intricate a subject for the House of Commons to deal with in the nineteenth century! The right hon. gentleman had laid it down as a maxim, that any interference with, or forced commutation of, tithes, would be an unjustifiable violation of the rights of private property. There might be some delicacy in this respect with lay impropriators, although where the public good, and the happiness or misery of a whole people was concerned, the legislature would scarcely be more scrupulous than in the case of a common road bill, or some tax affecting a particular class of society. But he utterly denied, that this principle could, with the least justice, be applied to the church tithes, or estates, which were the public property, and liable to be dealt with in such manner as appeared most beneficial to the public interests. To a rational extent, he had no doubt, they were wisely applied to the support of the establishment, and on that principle he alone looked at this question. He must always regret that a case like the present was made out, demanding as it did the most rigid and unsparing reform, and that the object of that reform was our religious establishment, which, in an enlightened country like Great Britain, should be a model of excellence in its constitution and administration. But, look to the statements from all quarters, and confirmed by members of all parties before the House. The management of the church property in Ireland had been one unvaried system of oppression on a people, let it always be recollected, hostile to the religious tenets of the existing establishment; and was in all its parts a source of endless litigation, contention between the upper and lower classes, and wide-spreading demoralization. He would repeat the question—was an attempt never to be made to remove the cause of all this misery, instead of providing against its

effects by coercion and severity? From documents on the table, the House might judge of the extent of litigation, which this system gave rise to. In Galway alone, and the grievance was general, 47,000 tithe causes had been tried in five years. He would ask any English member, how long they could expect to remain discussing the public interests in that House, if such an enormous and unbearable grievance were suffered to exist in England? His hon. friend had talked of the necessity of resistance to such oppression, if relief could not be found for it in parliament. He knew little either of the spirit and feelings of Englishmen at least, who could calculate upon the submission of the people of Kent, or Surrey, to the extortions of a priesthood, opposed to them in religious feelings and opinions, similar to the exactions of the Protestant church from the wretched peasantry of Ireland; or who could suppose them the tame and subdued objects of 8,000 annual vexatious tithe causes in the ecclesiastical courts. And if, as he thanked God, the people of England would not endure such a state of oppression, ought they to tolerate the continued infliction of it on the suffering and now starving population of Ireland? What must be the necessary consequence? Other countries, he might now, he believed, say all, since the happy revolution in Spain, had got rid of the oppression of this system, by convulsion. If parliament did not seriously inquire into the subject, and by wise and temperate reform, remedy the abuses of the Irish, and he might add, the English establishment, we might, at no distant day, also be involved in a contest with the people for its existence, the result of which would not be doubtful. It was because he wished to avert such lamentable consequences, that he had risen on the present occasion to second the motion of his hon. friend, and to add his intreaties, in favour of some immediate inquiry into this momentous subject. His hon. friend had most judiciously and wisely protested against any intention of interfering with present vested interests; and when he referred to the settlement which had so happily taken place in Scotland, the beneficial effects of which were so conspicuous in the moral and religious habits of the people of that country, he could never despair, that parliament might adopt some mode of commutation, and distribution of the church property of Ireland, conciliatory and beneficial to all classes of the community. He again thanked his hon. friend for having brought on his motion, and trusted for the support of the hon. gentleman opposite (Mr. Daly), although he had declined to press the question himself, from the circumstances in which he found himself placed.

Mr. *Dennis Browne* said, he was a warm friend to the principle of a commutation of tithes, but had never heard a speech so well calculated as that of the hon. mover, to destroy those feelings which happily prevailed, for the purpose of promoting so desirable an alteration in the tithe system. He therefore cautioned those who were determined to press that consideration upon parliament early in the ensuing session, how they listened to the hon. member, or associated themselves with the revolutionary sentiments which he had just avowed. That hon. member had disclaimed the principle of commutation, as not being enough for his purpose; but nobody besides himself had ever dreamt of shaking to its foundation the whole tenure of the church property of Ireland. He earnestly implored his countrymen to vote against the motion, which was calculated so completely to mar their own work, and utterly to disconnect themselves from any liability of being deemed participators in those revolutionary and monstrous measures which the hon. member had propounded.

Sir *J. Newport* said, that, in the exercise of his duty, he had more than once had to record his dissent from the proceedings of successive governments of Ireland, in consequence of their leaving unremedied many of the evils which agitated the public mind. He was induced to make this remark, because he had heard that evening some gentlemen express their readiness to leave the matter for the present undiscussed, on the sort of promise which had been given on the part of government, to come forward next session, either with a statement of the measures which they might in the mean time have adopted, relative to a change in the system of tithes, or with a fair acknowledgment that none such had been determined upon. His objection to all this was, that upwards of five years ago, the noble earl at the head of his majesty's government had declared in the other House, that government had then for some time had the same subject under their consideration, and that, al-

though the principle of commutation might not be applicable to the existing state of things in England, it might be applied to Ireland. Now, with such an unfulfilled engagement as this before their eyes, was it reasonable for hon. gentlemen to confide in this promise of the government, that it would come forward in the beginning of next session? He was most ready to give the hon. member for Galway full credit for the best intentions, but he thought he had shown rather too much facility in allowing himself to be over-persuaded by such a promise, to abandon his original intention. With respect to the question now before the House, he should confine himself to state the grounds upon which he should offer another proposition for the approbation of the House. Among the many grievances which had been pointed out to the House, the union of parishes had not been sufficiently urged. On the 31st May he had presented a petition from the Protestant inhabitants of two parishes in the county of Mayo, setting forth that the union of those two parishes, which had been made under episcopal authority, had completely shut out the great majority of the parishioners from all access to any place of public worship, according to the rites of the established church. Now, in regard to this parish, two returns had been made to parliament; and if both of them were correct, very extraordinary accidents, indeed, must have befallen the parish in question. In 1806, the bishop of the diocese stated in his return the fact of the union of the two parishes. By the same return it appeared, that the then incumbent was no relation to the bishop; that the dimensions of the parish, as united, were 10 miles in length, and 8 in breadth: and that there were or should be, two churches in the union, one of which was at the time only half built, but had been begun in consequence of a donation of 500*l*., granted by the first fruits' fund. Now, this return contained no statements either of the completion of such church, or of what had become of the money. The next return made by the successor of this bishop was dated in 1819, and after stating that there was one church, described the parish as being diminished two miles in length and one in breadth since the time of his predecessor. The new bishop had continued the incumbency in favour of his son, but this return also failed to take any notice either of the new church, or of the 500*l*. which had been given towards its erection. These facts might show the House how cautious it should be in giving implicit credence to returns of this nature. Though those returns might not mean to state things falsely, they frequently were so framed as to suppress a part of the truth. No one could deny, that it was the duty of the board of first fruits to have examined what was done with this sum of 500*l*.; and of the bishop who filled the diocese in 1819, to have consulted the report of his predecessor in 1806. These unions of parishes were of enormous extent. There were several glebes of from 1,600 to 2,000 acres in extent, without any glebe-house or church upon them. The act passed in the reign of Geo. 2nd, however, expressly declared, that where the benefice was worth 100*l*. as to glebe, there a glebe-house should be built. The House ought not to allow these infringements of the statute by incumbents who, in some cases, had 1,600 acres of glebe, on which no glebe-house was erected—who were pluralists—who lived in another diocese—who perhaps held another glebe of 400 acres of more profitable land than the glebe of larger extent. Would the House allow this? Was it for a moment to be tolerated? In 1806, as the organ of the Irish government, he had attempted to move that House to institute an inquiry into the state of the church and of church lands. In 1807, he had brought forward the same subject; but the previous question—that ready mode of getting rid of all questions that happened to be disagreeable to ministers—was moved upon it. So lately as 1817, the power of the lord lieutenant was exercised with respect to the union of parishes. In the early part of the last century, when the greater part of Ireland was under pasturage, the number of parishes united compared with the number of those which had been disunited, was pretty nearly equal. There were 37, or thereabouts, in each class; but now it appeared that in proportion as the country had increased in tillage, the number of these unions had increased, while the disunions had diminished. It would be seen by the returns on the table, that in one case five vicarages in the diocese of Killaloe had been united with five rectories; and this union, comprising a district measuring twenty miles from north to south, and ten from west to east, was made in 1818.

How was it possible that the established religion could be properly taught or upheld in parishes of this description? If parliament did not look to subjects of such just complaint as those which had now been brought under its notice, could any effectual remedy be hoped for? Could it be expected that the Protestant worship should not sensibly decline and diminish? Bishop Pococke, when he had the diocese of Ossory, had taken great pains to ascertain its population. In that diocese the Protestant population had diminished in the proportion of two-fifteenths, while its general population had more than doubled. The same effects would be found to exist at this day, but more extensively. He meant to move an amendment to the motion of his hon. friend, because he thought it was of the greatest importance to direct the attention of parliament to those objects which obviously admitted of amelioration, instead of taking too wide a range in the outset. That amendment would be in these words:—"That, with a view to the tranquillity and happiness of Ireland, this House will, in the early part of next session, take the subject of tithes, as affecting that part of the United Kingdom, into its most serious consideration, with a view of substituting for the present precarious and vexatious mode of supporting the established church, a full and liberal equivalent, fairly assessed and levied." In moving this amendment, let him not be accused of favouring spoliation. Spoliation he left to the members of the Union parliament. By the Journals of that parliament it appeared, that a bill was brought in there on one occasion, "to quiet and bar all claims for unpaid tithes, &c." That bill was brought into the Irish house by lord Castlereagh on the 26th of March, supported by the attorney general, the solicitor general, and Mr. Prime Serjeant of that day. It was read a second time on the 28th of March; on the 31st of March it was read a third time and passed; and lord viscount Castlereagh was directed to carry the bill up to the lords, and desire their concurrence thereto [Hear!]. Yet only the other night that noble lord was pleased to say, he hoped that he (sir J. N.) did not intend to trench at all on church property. Did this taunt come with a good grace from the man who had trenched, in other times, so largely upon it? He did not intend, by his amendment to give compensation to the clergy for dormant claims. At the same time, he never would be the advocate of spoliation. He did think it essential, not only to the prosperity, but to the safety of the established church, to give a commutation to its clergy for every thing in the shape of tithes which they had customarily received. So long ago as 1731, Mr. Dobbs, in his memorial to the then lord lieutenant, complained, that the collection of tithes was a permanent obstacle to the peace of the country. At the period of the Union, Mr. Pitt had promised that tithes should be commuted. The expectations of those who had been members of the Irish parliament, had, however, been completely frustrated, and all promises had been forgotten, except the private bargains of those who could descend to make them. The right hon. baronet, after alluding to the danger resulting from the constant agitation in which, for so long a period, the minds of 7,000,000 of people had been kept, by reason of the existing system, insisted on the necessity of an immediate alteration, and concluded with moving the above amendment..

Mr. *Goulburn* rose to express his decided disapprobation, both of the original motion and of the amendment. The object of the amendment was to pledge the House to take the subject of tithes in Ireland into its consideration early in the next session, with a view to assign to the clergy a full and liberal equivalent, fairly assessed and levied. He would not then enter into a discussion whether it was possible, considering all the various and complicated interests that were involved in this subject, to come to any satisfactory system of commutation. But he was sure that every gentleman would admit, that if such a system were practicable, it would require great and serious consideration; it would demand full and patient inquiry, and that it would be necessary to make provision and arrangements for the equivalents for tithes, which were to be considered in very different points of view, because they were applied to parishes placed under very different circumstances. With regard to the abstract question of the commutation of tithes, if it was proposed to proceed upon the principle of justice—if a full and fair equivalent was to be given for the property to be taken away, and if the offer were voluntarily accepted by the clergy—

to such a system of commutation he should not only have no objection, but if it were proposed, he would give it his warmest support. But a commutation founded upon any other principle, he would resist, as a most unjust violation of the most sacred rights. The question, however, at present, was not whether a commutation was useful or practicable, but whether the House would enter into a pledge with respect to its conduct in the next session. From the knowledge he had of the practice of that House, he confessed he was not aware of any good that resulted from pledges of this kind; on the contrary, it appeared to him that whenever they had been given, they had always been attended with evils or inconveniences of one kind or other. The reason was obvious—the House was called upon to give a pledge generally upon some abstract proposition; but when the period for redeeming the pledge arrived—when the abstract proposition was embodied into shape and substance—when all its details were presented to view, then it was almost uniformly found that those details so little accorded with the abstract principle to which the House had acceded, that it became necessary either apparently to abandon its pledge, or to assent to measures of which it did not really approve.—But there was another evil resulting from such pledges. It was the duty of the House to bear in mind, in the different measures which it adopted, the light in which those measures were likely to be viewed by the persons for whose benefit they were intended. The right hon. baronet thought that the pledge which he now called upon the House to give was calculated to tranquillize Ireland in the interval between this and the next session, but he begged to ask the right hon. baronet, supposing that he could now induce the House to give the proposed pledge—supposing that when the right hon. baronet came forward next session with his plan of commutation, he could not satisfy the House with the justice of its principles or the practicability of its details, and from the innumerable difficulties that attended the question, it must be admitted that this was no very improbable supposition—supposing that in consequence the measure should ultimately fail in that House, he would ask the right hon. baronet, whether it was a likely mode to tranquillize a country, first to excite hopes, and then to disappoint them—to keep the people in a state of expectation for six months, and then to tell them that those expectations could not be realized? If, on the one hand, the House was bound to look to the advantages that might result from holding out this pledge, it ought not, on the other, to shut its eyes to the dangers that might ensue from its ultimate failure. But there was another point of view in which he considered this question, and which furnished him with an additional reason for objecting to this proposed pledge. The right hon. baronet had stated, that one of the great objections to the tithe system in Ireland was the mode of collecting them; that it was attended with so much hardship and oppression, that the people were almost generally disposed to resist the payment. Now, he begged seriously to ask, if this motion were carried, what would be its probable effect upon those who were represented as previously disposed to resist the claims of the clergy? Was it likely that they would be more disposed to pay them if they were told that it was probable that tithes would be abolished altogether? Would they be more inclined to pay them if they found this pledge accompanied by declarations of members of that House that it was their duty to resist the payment? Would it be fair to put the people in that situation, and to expose them to all the serious consequences that must result from their disobedience to the laws? Would it be just to the clergy, either thus to deprive them of their incomes, or to place them in a state of conflict and litigation with their parishioners? Upon these grounds, then, he should oppose the motion.—But, however much he might differ from the right hon. baronet upon the general question, there were some points in which he perfectly concurred with him. He agreed, that it was the duty of government to maintain the respectability of the clergy. He agreed, that if any great extent of country was left without clergymen—if many parishes were united and put under the care of one man, whether absent or present—it was the duty of government to notice it, and as far as they could, to correct the evil; and if, upon this subject, the right hon. baronet should wish to move for any information, he would give him all the support in his power. He hoped the right hon. baronet would, in his candour, give the Irish government credit for a sincere desire to correct those evils; and as a

proof that they possessed this disposition he begged to state one fact, which was, that in the only case of the Union of parishes which had occurred since the present lord lieutenant had been in Ireland, the Irish government had disunited them. —Upon the subject of the residence of the clergy his feelings were as strong as those of any man. No one could be more convinced than he was, of the innumerable advantages that resulted from a resident clergy; and no effort should be wanting on his part, to promote so necessary an object; because he was convinced, that it was the great source to which they must look for the moral improvement of Ireland. He begged, however, to observe, that the observations which had been made upon unions of parishes, and non-residence of clergy, were not altogether fair or correct. It was undoubtedly true, as a general principle, that the union of parishes was bad, and that the non-residence of clergymen was an evil; but yet, on the other hand, it was indisputably true, that there were cases in which benefits had resulted from the union of parishes, and there were also cases in which the non-residence of the clergy was fully justified. He might have expected, even from the candour of the hon. member for Aberdeen, that when he attacked the clergy for non-residence, he would also have stated that which he must have known from the same source of information, namely, that in many of the cases in which clergymen were returned as non-resident, they resided in the parish adjoining to their own, and that the only reason why they did not live in their own parish, was the want of accommodation. In some instances, the absence of the clergyman arose from age and infirmity; others were absent from a variety of causes, more or less venial; but there were many under circumstances that called for the indulgence of the House. The very case which had been referred to, as one of aggravated guilt, that of the reverend Mr. Knox, was one of this description, his absence being occasioned by an attendance upon his wife, in an illness which required her removal to a milder climate. It would have been but fair, if gentlemen, after enumerating the evils which existed, had also pointed out the improvements which had been made; and when it was broadly asserted, that in many parishes the people were deprived of the administration of the rites of religion, in consequence of the absence of the incumbents, it should have been stated how generally qualified curates were, who were resident, and fully equal to the discharge of all the duties of religion. In the case alluded to by the hon. gentleman, of the tenants of lord Blayney, it might have been inferred from his statement, that they were left wholly without any religious instructor; but in that case there was a resident curate, whose abilities had never been objected to. The hon. member for Aberdeen had spoken of the great exactions of the clergy of Ireland. Now, it was admitted by every gentleman who was acquainted with Ireland, that the clergy were not severe in their exactions; that, in fact, they demanded much less than they were entitled to; and that the grievance arose from the mode of collection to which they were driven. The hon. member had stated to the House, what he called a series of facts, collected from all sorts of authorities, ancient and modern, authentic and doubtful, anonymous and avowed: he had put them together without investigation or examination of any kind; and, upon such authority, he had felt himself warranted in making a direct attack upon the whole church establishment, not only of Ireland, but of this country. The hon. member had made a statement respecting the bishop of Waterford, whom he had accused of exacting tithes from a parish, in order to add to his own overgrown income. Now, the fact was, that the tithes which the bishop of Waterford had augmented did not belong to him, but to a charity of which he was the trustee. And here he could not help asking gentlemen, whether it was to be considered as a principle to be adopted by that House, that when, within the last thirty years, property of every other kind had increased in value, the property of the church alone was to remain stationary? —for certainly some of the arguments which he had heard that night went to establish that proposition. He begged once more to disclaim any intention of throwing out any insinuation against the gentlemen of Ireland; but he felt himself perfectly warranted in asserting, that the reduction in tithes in Ireland had been fully equal to the reduction of rents.—Having said thus much, he should only trouble the House further with some general observations upon the line of argument which had been adopted, for the first time, in that House, that night—a

line of argument which, he trusted the House would mark with its most decided disapprobation. The hon. member for Aberdeen did not confine himself to the subject of tithes, but he denied them to be the property of the church. Now, in defiance of the hon. member, and of those who supported his opinions, he would maintain that tithes were the property of the church, and he did so upon authority much better than that of the hon. member and his supporters. He might quote the opinions of the first lawyers, of the ablest statesmen, of the first men in that House; but he would content himself with quoting the opinion of sir Samuel Romilly—a man certainly not disposed to over-rate the authority of the church. [Mr. Goulburn here read the opinion of sir S. Romilly, in which he considered tithes quite as sacred as any other species of property.] But the hon. member went further; he said tithes were not property, because they were not hereditary—because they did not descend from father to son.—[Mr. Hume said, "No, no."] He did not know what meaning the hon. member attached to those words, but he certainly used them. In this doctrine, the hon. member attacked other property besides that of the church. Moreover, the hon. gentleman did not confine his attacks to the property of the church of Ireland, but he wished to extend the system of spoliation and robbery to the church property in England. He could easily account for the desire which the hon. member seemed to feel to put all church establishments upon the footing of that in Scotland; but the House, he was sure, would see that the different habits of the two countries—the different situation in which the clergy were placed—rendered it necessary for each to adhere to its own establishment, not for the benefit of the clergy, but because it was the best means of preserving to each the advantages which were derived from the respective churches. But, if the hon. member were to succeed, the spoliation would not stop here. The hon. member was a moderate reformer; he in his liberality, would even allow an archbishop 5,000*l.* a year; but, when once the race for popularity was begun, and when every man was to found his popularity upon the quantity of property of which he could plunder the church, the hon. member would soon be left behind: some bolder reformer—some future member for Aberdeen, perhaps, would finish what the hon. gentleman had commenced. If the property of the church was to be attacked, because it was large, upon what principle would the security of all other large possessions rest? The same principle which would justify the taking away the property of the archbishop and the bishop, would place that of the duke and the earl in the most imminent danger. But the system of spoliation might not stop even there: the property of the church was easily identified; it might be followed into other hands; that which had once been an object of plunder, might, upon the same principle, be made so again; and thus the principles which the hon. member had laid down might be acted upon and enforced, until that general equality of property was produced, which some persons thought so essential to the public good. That the plunder of church property would lead to the plunder of property of every description, was not a matter of speculation. The hon. member had referred to other countries, to show with what facility this violation of all the sacred rights of property could be effected. He (Mr. G.) could also refer to other countries, and in our own times too, for examples, to show that the robbery of the church was always followed by that of the wealthy classes of the community. The church was always first attacked; but it inevitably followed, that, when once the sacred barriers of property were broken down, every species of property that was large enough to afford temptation, shared the fate of that belonging to the church. Trusting that no other hon. member would be found willing to support the hon. member for Aberdeen in doctrines so new, at least in that House, so dangerous, and so subversive of all the principles which had hitherto always been held sacred, he should conclude with giving his decided negative to the motion.

Mr. *Daly* stated the circumstances under which he had withdrawn his motion and supported the amendment because he preferred a pledge from parliament to the partial measure brought forward by the secretary for Ireland.

Mr. *S. Rice* referred the House to the distinct pledge given by Mr. Perceval on this subject, as well as to a similar one made by the present lord Maryborough some years since, on a question from the hon. member for Queen's county. He

was satisfied that there would be no tranquillity for Ireland until this question met with a full and deliberate consideration. If any thing was calculated to allay the present discontents, it was a pledge on the part of parliament, that they would examine the whole subject. The Irish members were almost all favourable to a commutation of tithes; he addressed himself, therefore, principally to the English members, and he relied upon their justice and generosity, that they would not resist a change of system, which was admitted to be necessary by the great mass of the Irish representation. If parliament threw cold water on this motion, he trusted that every county, town, and hamlet in Ireland would demand it from the justice and generosity of parliament. He was satisfied that a commutation of tithes was the only effectual corrective for the evils of the system in Ireland, and he claimed the adoption of this measure on behalf of that suffering and injured country. If ministers did not exert themselves to pour balm into the wounds of Ireland, measures of coercion would be unavailing.

Mr. Secretary *Peel* did not believe, that the present motion was calculated to promote tranquillity in Ireland; for if parliament were to give such a pledge, and should aftewards be unable to redeem it, the worst consequences might result from the disappointment of the hopes which it would excite. He objected generally to the principle of giving pledges in one session as to the course which parliament would pursue in another. He had given much consideration to this subject, and he felt himself bound to state, lest his opinions should be misconceived, that a commutation of tithes was liable, he would not say to insuperable, but to very great objections. He protested against the whole statement assumed in the speech of the hon. member for Montrose. Scraps of newspapers, cases in courts of law, and petitions presented to that House, were not authority to which he was disposed to pay much respect. He entirely protested against the principles laid down by the hon. member.

Mr. *Brougham* contended, that all the grounds of resistance to the motion stated by the right hon. gentleman furnished the strongest materials on which to found the propriety of its being carried. The ministers of the Crown afforded no hope as to any specific relief. All they promised was, that during the recess they would consider whether or not in the next session they should propose any measure of commutation. The bill introduced by the right hon. secretary did literally nothing, it met not the paramount difficulties which attended the tithe system, it was almost rejected by those who introduced it; while the stamp of the rejection of the House was already fixed upon it, as not calculated to meet the real evil either in degree or in kind. Was there any thing more to be done? To that question ministers would give no answer. All that they would say was, that they would take six months to consider what should be the direct answer. They would take six months in addition to the 30 years, since which, the same kind of promise was given to the people of Ireland; so that in the fulness of time, after 30 years and six months, the people of Ireland might be again told by the government, that the difficulties were insurmountable, and that nothing could be done. And he in his conscience believed, notwithstanding the blind promises held out, that nothing would be done, unless that House, by its recorded pledge, embarked itself into the investigation. They had precedents for so doing on the Catholic Question, on the Slave Trade, and recently on the subject of the Criminal Laws. That something must be done by parliament was as clear as the sun at noon, to every man who considered the frightful state of Ireland. Such was the pressure of the evils that accompanied delay, that they could not afford, not 30 years more, but 30 days, without coming to some resolution on that question. Such an amelioration was a debt due to Ireland for long continued misgovernment. It was not more necessary to the happiness of the people than it was to the security of government; and not more necessary to the security of the government than to the safety of the church establishment.

Mr. *Hutchinson* said, that the right hon. gentleman (Mr. Peel) apprehended danger from the possibility of a premature pledge by that House being misconceived in Ireland. Was there not however a much more aggravated danger to be apprehended, in the state of distraction and despair to which Ireland was reduced, when the people of that ill-treated country learnt that the House had refused the pledge? If that was

his opinion, lord Wellesley held a different one; for in the papers before the House the lord lieutenant dwelt upon the sanction which the pledge of the House of Commons would give to the measures proposed to repress violence and disorder. Was it *only in* passing measures of severity that the pledge of that House was valuable? He had a very different impression of its value, and was convinced, that the pledge of that House to redress the calamitous abuses of the tithe system would be attended with the most beneficial results.

Mr. *Plunkett* said, that the amendment proposed by his right hon. friend appeared to him to be both premature and dangerous. His hon. and learned friend opposite (Mr. Brougham) had stated, that the members of that House had placed the stamp of their rejection upon the proposed bill. He knew nothing of such a rejection, but he was sure that if an unjust cry was not raised against it, it would be productive of benefit to Ireland. But he should like to know what measure was to proceed from the wisdom of the gentlemen opposite. What plan were they inclined to bring forward? His right hon. friend (sir J. Newport) admitted that the clergy were not too amply paid; but the hon. member for Montrose denied that, and said that they were too largely and too liberally paid. How could they then agree upon any measure? He maintained that principles both dangerous and alarming had been laid down in that House that night, amounting to nothing less than spoliation and robbery. [Cheers.] He was glad that that position was cheered. What! would it be denied that tithes acted on the same basis as rents? Was the lay impropriator entitled to tithes?—["Yes!" from Mr. Hume.]. Then upon what principle deny that tithe to the church which was allowed to the lay impropriator? He wished to address his right hon. friend opposite. His mind was above the vulgar arithmetic which would stoop to countenance such an assertion. He was sure that his right hon. friend was incapable of maintaining such doctrines. If they were true with respect to tithes, they were true with respect to the land-holder, and the fund-holder, and to every corporation; and that which was to be commenced by spoliation and robbery was to be effected by rebellion and resistance. [Cheers.] The hon. members opposite cheered; did they mean to cheat common sense of that inference? The hon. member for Montrose had said, that, if redress was not given, it was the right and the duty of the people to resist. The tithe was a grievance in its administration; but were not high rents also a great cause of the irritation in that country? At all events, it was only by a determined adherence to the principles of justice that Ireland could be benefited. With that feeling, conciliation and soothing was perfectly reconcilable. He could not support the demand of a pledge, because he felt that it might, in the interval, produce great alarm in the minds of the clergy, and the possibility that the sad reality would terminate in deep and bitter disappointment.

Mr. *D. Browne* said, he should vote for the amendment.

Sir *N. Colthurst* would also vote for the amendment, but disavowed all participation in the doctrines laid down by the hon. member for Montrose.

Colonel *French* entirely concurred in the amendment, but conceived that the Irish ought first to be permitted to try the operation of the present measure.

Mr. *Dawson* conceived the amendment was premature.

Sir *E. O'Brien* supported it.

Mr. *R. Martin* meant to vote against it, because he relied upon the justice and wisdom of the Irish government to investigate with all possible attention this momentous subject. They had already proposed a unanimously admitted good; and he trusted they would not stop their career of benevolent legislation.

Mr. *Hume* said, he had little to reply to, as he always considered his case made out when, in the absence of arguments, the hon. gentlemen opposite had recourse to hard words. He was, in some degree, prepared for such a course; but he would remind hon. gentlemen, that a man could often see a mote in his brother's eye when he could not perceive a beam in his own. He would remind the hon. and learned gentleman who accused him of spoliation and robbery, that if to meddle with the tithes and to take them away from the clergy was a spoliation and robbery, he himself had, on a former occasion, concurred in the robbery of the church, by sitting in that Irish parliament which took away the tithe of agistment, and also in the British parliament, which confirmed that act. So had the right hon. member near him (Mr. Denis Browne). He had

distinctly stated, that he did not propose to meddle with existing rights. It was monstrous how facts had been perverted, in order to raise an outcry against him. He threw back the expression of "vulgar arithmetic" to the quarter from whence it had proceeded. The right hon. secretary (Mr. Peel) had also talked of spoliation and robbery; but although he had not been concerned in the robbery of the church like his right hon. and learned friend, why had he not, during his secretaryship in Ireland, taken some measure to restore the pillage of the church. Let him answer that question, before he charged him with spoliation. He believed that if the matter came to be fairly examined, the only difference between him and the gentlemen opposite would be found to be this—that they had recourse to hard words, because they were unable to answer the arguments he had advanced in support of his opinions. This appeared to be the real balance of the account. He would not take the sense of the House upon his motion, as it appeared that the Irish members, whose opinions in this case he desired to consult, approved at this period of the session rather of the amendment of the right hon. baronet, to whose judgment he was ready to defer, as he believed there was no man in that House a more sincere friend to Ireland.

The House then divided: For sir J. Newport's motion 65. For the other orders of the day; 72. Majority 7.

List of the Minority.

Bernal, R.	Forde, M.
Brougham, H.	Grattan, J.
Bennet, hon. H. G.	Graham, S.
Browne, Denis	Glenorchy, lord
Browne, Dom.	Grant, J. P.
Browne, J.	Griffith, J. W.
Benett, John	Hume, J.
Butterworth, J.	Hutchinson, C. H.
Creevey, T.	Hill, lord A.
Clifton, visc.	James, W.
Colbourne, N. R.	Kingsborough, visc.
Cole, sir C.	Leycester, R.
Calvert, N.	Lamb, hon. G.
Calthorpe, hon. F.	Latouche, R.
Cuffe, J.	Lennard, T. B.
Colthurst, sir N.	Monck, J. B.
Duncannon, visc.	Martin, J.
Dundas, hon. T.	Maberly, W. L.
Daly, J.	Maberly, J.
Ebrington, visc.	Newport, sir J.
Ellice, E.	Normanby, visc.
Fergusson, sir R.	O'Brien, sir E.
Fitzgerald, lord W.	O'Grady, S.
Fitzroy, lord C.	Philips, G. jun.
Price, R	Smith, J.
Parnell, sir H.	Townshend, lord C.
Power, R.	Wood, alderman
Palmer, C. F.	Western, C. C.
Robinson, sir G.	White, Luke
Ricardo, D.	Williams, W.
Rowley, sir W.	Whitbread, S.
Robarts, G.	TELLERS.
Stewart, W. (Ty.)	Calcraft, J.
Smith, S.	Rice, T. S.

HOUSE OF LORDS.

Thursday, June 20.

MARRIAGE ACT AMENDMENT BILL.] On the motion of lord Ellenborough, the House resolved into a committee on this bill.

Lord *Redesdale* stated the purport of some further clauses which he intended to move. Their object was, to prevent fraudulent marriages, either by licence or banns. If persons married under false names, he proposed that, their identity being proved, the marriages should stand good. An affidavit to be made on taking out banns as well as licenses, and perjury in either case to be punished. The affidavits for banns to be made before a magistrate, and the expense of the proceeding to be only one shilling. His wish certainly was, that they should be granted free of expense.

Lord *Ellenborough* expressed his gratitude to his learned friend for his valuable suggestions, which he was most happy to adopt into the bill.

Lord *Redesdale* expressed his apprehension that the retrospective clause would have a tendency to introduce new subjects of litigation into families.

The *Lord Chancellor* never could agree to the retrospective clause, unless other qualifications were introduced into it, and feared that great mischief would ensue unless care was taken to protect the rights of property.

The Bishop of *Chester* gave notice, that, early next session, he would move an amendment to the marriage act. He did not do so now because the object he had in view was totally different from that which the present bill embraced. His object was, to authorize the celebration of marriages in the chapels of populous parishes, where they could not take place now.

The amendments were then agreed to; and the bill, as amended, was ordered to be printed.

HOUSE OF COMMONS.

Thursday, June 20.

CANADA GOVERNMENT AND TRADE BILL.] Mr. Wilmot brought in a bill "to make more effectual provision for the Government of the Provinces of Lower and Upper Canada, and to regulate the Trade thereof."

Mr. *Ellice* considered the bill of great importance, and suggested, that the discussion on it should be taken in the committee upon some open night.

Mr. *Wilmot* approved of the suggestion of the hon. member, and would fix the committal of the bill for the 1st of July.

Sir *J. Mackintosh* agreed, that the bill was a most important measure, since its object was, to consolidate the two provinces of Canada, by effecting a union between them, and incorporating their legislatures. He did not mean to object to the course of proceeding suggested; but, without bringing into question the competence of parliament to pass such a bill, or the convenience which might be expected to result from it, he felt an insuperable objection to agree to the measure without affording ample time to the people of the provinces, and the legislatures by which they were represented, to express their opinions with respect to it. He felt alarmed at passing a bill affecting the most sacred rights of the people of the provinces at so late a period of the session. It was the practice of the House, not to pass a private bill affecting the rights of only two individuals before the parties had been sufficiently informed of its nature; surely, then, it would not sanction a measure for uniting two provinces, without affording to the inhabitants the fullest time for expressing their opinions with regard to it. He would oppose the passing of the bill during the present session.

Mr. *Wilmot* regretted that the hon. and learned gentleman should pledge himself to oppose the bill before he had heard the peculiar circumstances which rendered it necessary. He did not think it was necessary to apply to the people of the provinces for their consent to the measure, since their present constitution was derived from an act of the British legislature. He trusted that when the hon. and learned gentleman came to hear the statement which he (Mr. W.) intended to submit to the House, he would withdraw his objections to the passing of the bill.

The bill was read a first time.

SCOTCH JURIES BILL.] Mr. *Kennedy* moved the second reading of this bill; and called upon the lord advocate to prove that the measure proposed was unwise and uncalled for. His objections to the existing mode of appointing criminal juries in Scotland were briefly these. In the first place, the lord advocate had the power of committing for trial, without the intervention of a grand jury. Secondly, in the high court of justiciary, the selection of petty juries lay almost entirely with the judge. The sheriffs, before circuit, sent lists from their various counties to the judge; the judge from those lists, nominated the 45 jurymen who should meet him at each assize town for the purposes of business; and the very same judge afterwards, in court, selected from his own list of 45, the jury of 15 by which prisoners were to be tried. The third objection was, that neither prosecutor nor prisoner, as the law now stood, had the power of challenge except for cause. There was not that right of challenge so necessary to the purity of trial—the challenge for supposed prejudice, favour, or affection. If these practices were objectionable in the high court of justiciary, in the minor, or sheriff's court, their operation was still more dangerous. The sheriff, who was judge of that court, selected the jury altogether; he made out the first list, struck the 45, and selected the 15: after this, the verdict was only the decision of a majority; and yet there was no challenge, except for cause, allowed the parties. In Edinburgh, where the sittings of the court of justiciary were permanent, the principle was the same: the judge picked the jury of 15 from lists supplied to him by the clerk of justiciary. The measure by which he proposed to remedy these evils was extremely simple, though two-fold in its operation. He meant to deprive the judge of the power of selection from the 45, leaving the choice of the 15 to be determined by ballot; and, of course, as a corollary upon that proposition, the right of challenge for favour would follow. The hon. member then complained of the opposition which his bill had received from the lord advocate, and read a circular which that learned person had transmitted to the sheriffs of counties just previous to the head courts of May, 1820. In that circular, the lord advocate invited county discussions upon the measure, and intimated that his own opinion was by no

means in its favour. It was rather curious that all the petitions that had been presented to the House against the bill, echoed precisely the feeling of the learned lord's circular. He (Mr. K.) fully acquiesced in the excellence of the Scotch criminal law, but he did not think that its weak points were to be held sacred, nor that country gentlemen assembled at county meetings were likely to be the best judges upon points of legal expediency. Another objection which he anticipated was, that this was the commencement of a series of changes affecting the law of Scotland. Now he must observe, that, unless some particular disadvantage could be pointed out as arising from this bill, such a general remark ought to have no weight. The hon. gentleman then proceeded to cite cases from ancient and modern writers on the Scotch law, to prove the inconvenience arising from the want of a right of challenge on the part of the accused. In addition to these, he mentioned a case which occurred about five or six years back. It was the case of an individual who was charged with a theft. It came before a sheriff who was newly-appointed, and who was in a great degree a stranger to the county in which he was appointed. On looking over the list of 45 jurors, he found that the names of 15 of them were marked with a cross, by the sheriff depute; which cross denoted that they were fit and proper persons to try the accused. The consequence was, the accused was convicted and sentenced to banishment from his country. He cited this as a case in illustration of his objection to the system. He would now come to that which he felt to be a painful part of his duty, but still he felt it his duty to notice the case, as it bore upon his argument. The case was one which had lately much occupied the attention of the public (the trial of Mr. Stuart); and when he mentioned it, he begged to be understood as giving the highest credit to the conduct of all parties connected—judges, jury, and prosecutors. But it did appear from a letter produced on the trial, that a judge who might have sat on the trial, had been consulted on the circumstances which led to the fatal result. That learned individual had so far connected himself with the transaction, that from a sense of duty, he absented himself from that which, under other circumstances, would be a most imperative discharge of his judicial functions. Suppose this letter had not come to light, and that the case had been tried in Perth before this judge; in that case he could not have declined to nominate the jury. It was matter of notoriety that in treason and felony, the right of challenge to a certain extent did belong to the prisoner. Mr. Justice Blackstone, in his panegyric upon the institution of trial by jury, observed, that nothing could be better calculated for the ends of justice. He had likewise justly remarked, that if advantageous in deciding questions of property, this species of trial must be of still greater importance in criminal cases affecting life and liberty. Now it was evident, that observations of this nature applied with still greater force to Scotland, where there were no grand juries, and where the functions of those bodies were all vested in the learned lord on the bench opposite. Though perfectly ready to acknowledge the ability and legal knowledge of the learned lord, he must still hold it impossible for him, with the multifarious business which he had to execute, to distinguish with the requisite precision what cases were or were not fit for criminal prosecution.' On the general subject of criminal law, he would remind the House of Mr. Justice Foster's observation, that no conduct however cautious, and no character however pure, should lead an individual to suppose that the due administration of it did not concern him. It was to be recollected, also, that in Scotland, juries decided criminal cases by vote, that was, by the opinion of a majority. It was possible that a case might be decided by the casting vote of one individual, or upon a division of eight against seven. Coupling this possibility, with the rule as it respected challenges, it was evident that an accused party might find himself condemned to death or to transportation, by the casting vote of an individual whom he would have been allowed to challenge and exclude, if his trial had taken place in England. Such grievances originated chiefly in the want of a grand jury. There was not in Scotland such an institution as a coroner's inquest. All the proceedings of the learned lord were of his own will and pleasure, in the nature of an *ex officio* information. There certainly was a system of deputation. This was indispensable on the circuits, as the learned lord could not be in different places at the same time: but the advocates depute were, in general, young per-

sons and of short standing at the bar. Add to all this, the great and arbitrary power of the court which might award punishment at its own discretion. The prosecutor had the right, also, of deserting the diet, as it was called, or of postponing the trial in some cases; so that a man might be a considerable time in prison, unable to force it on. This, which might be advantageous in some cases, might be productive of hardship in others. But the courts, he was persuaded, did not wish for the maintenance of a system like the present merely because it invested them with extraordinary powers: or, if they did, it was a good reason for dispossessing them of such powers. He had heard of the privileges of judges, but was sure that he should not hear such a phrase introduced on an occasion like the present. The privilege of doing wrong could be desired by no individual in a judicial office, and engaged in the performance of a sacred duty. He held it to be a most sacred principle of jurisprudence that the judge and the jury should be separated as much as possible. That was the only way to keep the one pure, and the other respectable. It was a common thing in Scotland, however, to say, "What sort of a jury do you think we shall get?" A canvas took place on the occasion; some persons were rejected because they were troublesome; others were chosen because they were obsequious. One object of his bill was, to protect the bench from the vulgar accusations which were prevalent on this topic. The House would perhaps forgive him if he alluded to the proceedings in the formation of an election committee in illustration of his argument. What would the House think of imposing on the Speaker the duty of appointing a select committee to try the merits of a contested election? And yet, with all deference to the dignity of parliament, the constitution of a jury in a criminal case was at least as important as that of an election committee. The object of his measure was, to grant the same security to the people of Scotland in cases affecting their lives and liberty, as was already enjoyed by them in the vindication of their civil rights. He could not believe that, entertaining this view, he should appeal in vain to a British House of Commons; and it would hereafter perhaps excite surprise that a benefit of this nature was reserved for the year 1822. He felt that he had performed his task in a very imperfect manner, when he considered that it was a subject involving principles of no common magnitude; but he trusted that his deficiencies would be supplied by those of his hon. friends, who entertained a similar opinion on the question.

The *Lord Advocate* observed, that the object of the bill was, to render the proceedings in criminal cases in Scotland more similar to the English practice. Now, although such a proposition might be good in theory, yet, unless it was shown that great and serious evils arose from the course now pursued, he thought no sufficient ground was laid for so material a change. Nothing appeared more just than that counsel should be allowed to prisoners on their trial; yet the experience of courts of law, showed that no practical injustice was sustained by disallowing them. The present system in Scotland had existed for a length of time which it was now difficult to trace, and he had never heard of its causing the slightest oppression. By the articles of the union, each country was to retain its own laws; and though he did not of course doubt the power of parliament, yet this was a reason for its not interfering on a question which related exclusively to the advantage of Scotland against the sentiments of the people of that country. If the people of Scotland were unanimously against the reform meditated, he thought parliament would hardly adopt the plan recommended. When the bill was brought in, there was not a single petition from Scotland on the subject. He had communicated copies of the bill to the Scotch counties, which held their meetings on the 30th of April, with his opinion respecting it; and, with the exception of Lanark, every county had manifested a desire that no alteration should take place. The judges were perfectly willing to surrender their powers, if it should be the opinion of parliament that they could not retain them for the benefit of the public. The gentry of Scotland, he was well assured, were averse to any change of the criminal law, and believed that other projects of reform were in view—a belief that was certainly countenanced by some parts of the hon. gentleman's speech. The Scotch system of criminal law would stand the test of comparison with any other. Its chief tendency was to deal mercifully with the accused party; and of this truth he could not furnish a more decisive illustration

than by stating that, during a period in which 1,409 capital sentences had been passed in England, there had been no more than 18 in Scotland—a difference which, allowing for the greater population of this country, amounted to the proportion of 18 and 235. If the hon. member would make good his assertion with respect to the sheriff who had returned an improper jury, that sheriff should be removed. With regard to the bill, he was surprised that the hon. gentleman who had expressed such a desire to follow the law of England, had not followed it altogether. He vindicated the Scottish law from the reflections which the hon. gentleman had cast upon it, and contended that challenges for cause to jurymen were as liberally allowed in Scotland as in England. In conclusion, he expressed a hope that the House would not press upon the people of Scotland a bill, to which the greater part of its population was decidedly averse.

Sir *J. Mackintosh* observed, that the objections of the learned lord to the bill were on two grounds, general and specific. The general grounds were, in the first place, that the proposed reformation of the Scotch law was founded on theory. This was an argument by means of which the enemies of the most salutary reformation were accustomed to disguise their hostility to common sense. It was the observation of a great wit, that no man was an enemy to reason until reason had become an enemy to him. He believed there were no spontaneous enemies to reason; but when men were interested in opposing it, they used hard words to cover the design, and one of these was the word theory, which was very frequently used of late as argument against every plan of improvement. In the second place, the learned lord objected to the bill on the ground that there was no distinct grievance alleged or proved; and, in the third place, he stated that this measure was not called for by the people of Scotland, and indeed was objected to by them. Now, he would remind the learned lord, that all those objections had been made before, in opposition to that great act of reformation, the abolition of the heritable jurisdictions, and had been set aside by lord Hardwicke, and over-ruled by the British parliament, to the great advantage of the country which experienced the beneficial effects of their enlightened decision. He then read some extracts from a speech delivered by lord Hardwicke in the House of Peers, in the year 1747, in support of his statement, and showing, that the grounds on which lord Hardwicke supported the measure for the abolition of the heritable jurisdictions, were those which the learned lord reprobated on the present occasion. Nothing could be more evident, than that the learned lord had stolen the grounds of his opposition to this reforming measure in 1822, from the Jacobites of 1747, who then urged the same arguments against reformation, which were passed over in contemptuous silence by lord Hardwicke as not deserving the compliment of an answer [Hear, hear!]. Even the argument, that there was no complaint of actual grievance, had been anticipated by a noble lord on the former occasion, and was also taken from the Jacobite mint. As to the argument that the people of Scotland were hostile to the bill, he did not believe it could be alleged with truth of the people in general, and he was sure the more the measure was examined, the more popular it would become. The learned lord might as well object to the introduction of juries in civil cases, (the greatest blessing which had ever been conferred on Scotland since the union, except the abolition of heritable jurisdictions), as to the enactment of the present bill. He maintained that the right of peremptory challenge was absolutely necessary in Scotland. According to the wise and just observation of judge Blackstone; it was necessary that the prisoner should have a good opinion of those who were to try him; but how could this be the case, if a challenge upon cause were only to be allowed? It was human nature, that the jurymen against whom such a challenge failed, would become in some measure prejudiced against the prisoner. But this evil would be altogether obviated by adopting the recommendations of the present bill. The learned lord objected to it on the ground of delay. Perhaps, indeed, it might have the effect of keeping the judges four days at Inverness or Aberdeen, instead of two. The learned lord objected too, that the small number of prisoners to be tried in Scotland, compared with England, would make such a measure inconvenient. For himself, he did not clearly understand this mode of arguing the question. He thought that if the right of peremptory challenge could be safely allowed in England, where

the greatest number of prisoners were to be tried, it might be introduced into Scotland without much apprehension of danger or delay. Besides, what availed it to a prisoner in Scotland, that he obtained a list of jurors, unless he was allowed the right of peremptory challenge? The furnishing of that list implied such a right. It was a privilege inestimable in its kind. It had often been the means of preventing a man from being put to death by the malice of his enemies. Of what avail would it be, that a man proved falsehood and perjury on the part of witnesses, if he did so before a corrupt and prejudiced jury? It would be in vain to expect justice, without this right of challenge; in its absence, all other steps might be considered only as a mockery of justice. And in Scotland it should be recollected, that a majority of jurors could pronounce condemnation, while in England unanimity was enjoined before the prisoner could be convicted. The mode in which juries were elected, or rather picked out—for that was the phrase used in Scotland—was exposed to much mistrust. It was known that the judge nominated the jury in Scotland, and a recent occurrence strongly illustrated the impropriety of the existing practice. It was known, that, on a late unfortunate occasion, sir Alexander Boswell consulted a Scottish judge, and obtained his consent to the nomination of his brother as his friend in a duel, which brother and sir Alexander might, had Mr. Stuart had the misfortune to fall in that combat, been tried at the Perth assizes before the same judge who had assented to the appointment of his brother as second, that judge having at the same time the power of nominating the jury empanelled to try the cause. Was it safe or expedient that the possibility of an occurrence so fatal to the administration of justice should be suffered to remain, when there was a plain and easy mode of getting rid of it by this bill? In England a jury was given for the purpose of protecting the subject, and also to control the judge, whose appointment by the Crown necessarily exposed him on particular occasions to jealousy, whatever might be the integrity and virtue of the individual. He was much mistaken, if the effect of trials by jury on the moral character and feelings of the people was not even greater and more beneficial than the immediate advantages resulting to a country from this wise and noble institution—highly as he was at all times disposed to value them. In all his observations on the constitution and laws of this kingdom, nothing had struck him as so decidedly operating to form the character of the English people, as the circumstance of their possessing the privilege of trial by jury. One of the happiest peculiarities which attached to that privilege in England, was, that jurors were, for the most part, taken from among the middling classes of society. This selection gave them an idea of their own importance as members of a free state, while it conferred on them a greater power, and left to them the exercise of a larger and more important discretion than in any other case they were likely to possess. It could not but be highly animating to such men, to find themselves called upon to express their judgments upon matters which the utmost ingenuity and wit of man had been actively endeavouring to elucidate. Hence it was that experience, reflection, and the immediate perception of the benefits arising from a venerable institution, combined to form the prominent feature in the English character—a character that was, perhaps, without an equal in the history of the world. To this institution, which taught obedience at the same time that it inculcated independence, he traced that great sense of justice, and that perception of law, which rendered the English the most honourable among the nations of the globe [Hear!]—which taught the meanest subject to know generally the nature and extent of his duties and his rights—

"While e'en the peasant boasts these rights to scan,
"And learns to venerate himself as man."

If he was right in this estimation of the advantages which trial by jury conferred on the people of England, he could not but believe that the moral, brave, and pious people of Scotland were equally entitled to participate in those advantages. It was upon these grounds, that he would support the present bill.

Lord *Binning* said, that in the speech which the House had just heard, it had been rather insinuated that an old and intimate friend of his had mixed himself up with a late unfortunate affair, in such a way, that on a recent trial the individual in question (lord Meadowbank) was necessarily absent from the justiciary bench. This insinuation rested on a letter, in

which the late sir A. Boswell, addressing himself to the brother of lord Meadowbank—to the gentleman whom he was desirous of having for his friend in the affair,—said, "I saw your brother this morning; and his lordship seemed to think that you would be my friend." Now, what blame did this show as attaching to lord Meadowbank himself? Sir A. Boswell went to consult his intimate friend about settling his worldly affairs. For a father of a family who found himself placed in such a situation not to have considered, that though he was consulting a friend, that friend was also a judge, might be unfortunate; but surely it could be no matter of surprise. What, then, would lord Meadowbank do in this unhappy case? The matter was already settled—the bolt was shot. But lord Meadowbank did not appear on the bench. And why did he not appear? Not because he was mixed up with the transaction, but because of his own personal feelings. He naturally must have felt much on such an occasion, in which a dear and intimate friend had perished by the hands of another friend and relation of his own. But he (lord B.) desired to warn the House against the innovations which this bill went to propose. They would not stop here. In fact, the hon. member for Durham had given notice of a motion, directed, in some sort, against the prosecutor-general of Scotland. The same hon. member was also anxious to engraft the system of grand juries on the institutions of Scotland. Let the House, therefore, be on its guard against the progress of innovation. If the judge could not be trusted with the power of striking a jury, he ought not to be trusted with the power of deciding upon the law. Heritable jurisdictions were a positive grievance, but here no grievance existed; and if trials by jury in civil cases had been introduced into Scotland, the country was generally favourable to the measure; whereas it was decidedly hostile to the present bill.

Mr. *Twiss* said, he would support the bill the more readily, because it stood alone and apart, and did not necessarily imply that any further changes would be the consequence. The noble lord had adverted to the preliminary advantages enjoyed by a criminal in Scotland; but if at the time of trial he could not obtain a fair and impartial jury by means of the right of peremptory challenge, those advantages were worse than useless. It was excellent to be forewarned, if, in the words of the proverb, "to be forewarned was to be forearmed;" but in the case of the Scotch offender, it was rather an aggravation to be forewarned of the array against him, when it was to end in the decision of a packed jury. In Scotland no private prosecution as in England; but the whole influence of the Crown, was brought into the field against a prisoner. While the judge had the appointment of the jury, and while the prisoner was denied the benefit of a challenge, the prisoner might be as well tried by the judge alone. In giving his vote for the second reading, he wished to be understood not to assent to that part of the bill which directed the jurors to be chosen by ballot.

Mr. Secretary *Peel* agreed, that the only principle that ought to guide the House, was, whether the administration of justice in Scotland could be improved? He was disposed to think that it was not fit to alter the old system of judicial selection; but the more firmly it was adhered to, the more proper did it seem to grant peremptory challenges. He should, therefore, vote for the second reading, and in the committee an amendment could be proposed in order to preserve that part of the existing law with which the House ought not to interfere. As to selection, he doubted much whether a better jury might not be chosen by the judge than was likely to be obtained by ballot.

The bill was read a second time.

IRISH BUTTER TRADE.] On the order of the day for going into a committee on the Irish Butter Trade,

Sir *N. Colthurst* said, he was extremely sorry that this question had not been brought forward by some member of government. In his opinion, protection ought to be extended to every branch of agricultural produce; and, when it was allowed, it ought to be made adequate and effectual to the intended object, otherwise it was mere delusion. In 1816, a right hon. gentleman (Mr. Robinson) proposed a duty of 25*s.* per cwt. on butter imported in foreign vessels, and of 20*s.* per cwt. on butter imported in British vessels. This operated for a time as a check on the importation of foreign butter; but subsequent measures had rendered that protection inefficient. The right

hon. gentleman, when he introduced those duties, stated, that if they operated as matter of revenue, and did not afford protection, he would increase them. That they had not had the desired effect, was clear from this circumstance, that the importation of Dutch butter last year doubled that of any former year; while the importation of butter from Ireland had decreased in the same proportion. The consequence was, that the price of Irish butter had fallen from 80*s.* or 90*s.* to 45*s.* or 50*s.* This decrease in the butter trade would occasion a considerable quantity of pasture land to be put into tillage; thus, a greater proportion of corn would be grown, and forced into a market already glutted with that article. The consequence must be, a diminution of the means of the people of Ireland to purchase and consume the manufactures of England. It was said, that the importation of butter from Holland was of importance to the shipping interest of England. This, however, he denied; since not more than seven or eight vessels were employed in the trade. The motion he intended to propose in the committee was, "that an additional duty of 10*s.* per cwt. be imposed on foreign butter imported into this country." He had heard it argued that it was unfair to ask the citizens of London to eat salt butter for the benefit of Ireland. In answer to that, he would only say, that the measure he proposed would not exclude Dutch butter of the first quality. He concluded by moving, "that the Speaker do leave the chair."

Mr. *Hudson Gurney* said, he was glad to find, from the speech of the hon. gentleman, that the government had at last begun to resist the exorbitant demands of the Irish. It seemed to have passed as a matter universally understood, that the people of England were to pay every thing, and the people of Ireland nothing. [Hear, hear!] It was notorious, that the rents extorted from the peasantry of Ireland, were higher than any that were paid in England; and, to keep up these rents, we were now called upon to tax the butter of the citizens of London. He remembered voting in a minority of five against a duty on the importation of rape seed, in the discussion on which a right hon. baronet below him (sir J. Newport) had gravely argued, that it was right so to tax the clothiers of Yorkshire, as it might have some tendency towards inducing somebody to drain some bog with a long name in Ireland. The other day the Chancellor of the Exchequer had exempted Ireland from the window tax [Hear, hear!]. Why, he asked, should an English tenant of what was hardly more than a cottage, pay a tax from which the owner of a palace in Ireland was to be freed? He would most gladly concur in any remission of the burthens which pressed on the means, or abridged the few enjoyments, of the Irish peasantry; but never, whilst he had the honour of a seat in that House, would he agree to impose a tax upon the people of England, for the purpose of keeping up the exorbitant rents of the Irish landlords [Hear, hear!].

Mr. *Robinson* said, that though he meant to oppose the proposition, it was on grounds very different from those just stated by the hon. gentleman. He did not object to this proposition, because he felt any unwillingness to give protection to the manufactures and agriculture of Ireland, but because he thought the circumstances of the case did not authorize protection farther than it had been carried. When, in 1816, he proposed the present duty, he certainly did say, that it was not intended for revenue, but for protection; and if it had not had the effect of a protecting duty, the same grounds on which he then brought it forward would naturally induce him to propose an addition, to accomplish the object he had in view. But that object had been attained as far as it was possible; because, however lower the price of butter might now be than it was some years ago, that article was not the only one that had diminished in value. Every species of agricultural produce had experienced a similar fall of price. And it should be observed, that the foreign butter, to which the duty applied, had also decreased in value; so much so, indeed, that looking to the existing duty, with a reference to the reduced price of the article, it would be found equal to an impost of 50 per cent.; and if the hon. baronet's proposition were carried, the duty would be then equal to about 75 per cent. If the butter trade of Ireland could not support itself with such a protection as this, he knew not how it could be supported. With respect to the importation of butter from Ireland, so far from being less than heretofore, it was, for the last two years, greater than it had been at any period. The importation of

foreign butter had increased also; but if they found, notwithstanding this, that the Irish butter had a good market, it only proved that the consumption of the article was greatly extended. Butter was one of the few things in which Holland could pay this country for those articles which we disposed of to her; and if, on every occasion like this, we were to put restrictions on trade, we might as well declare at once that on principle we would have no commercial intercourse with foreign states. If this country sent goods abroad, it was proper that other countries should be allowed to transmit their products in return.

Sir *J. Newport* complained of the observations which had fallen from the hon. member for Newton. What had that hon. member stated? That the House was constantly in the habit of granting relaxations to Ireland, more than to any other part of the empire. He denied this assertion, and would contend, that the relaxation of taxes to Great Britain was much more extensive in proportion than that which had been made to Ireland. This was proved by the report of the committee of 1815, which stated, that, since the Union, the taxation of Ireland had increased in a larger proportion, including the war taxes, than that of Great Britain. The hon. member had said, that he would concede any thing to make the peasantry of Ireland comfortable, but he would withhold every boon from the gentry. Now, he believed that the most effectual way of rendering the peasantry happy and comfortable was, to enable the gentry to spend their time amongst them [Hear, hear!]. He did not wish to use harsh terms, but he must say, that those observations had been most inconsiderately applied by the hon. gentleman. With respect to the question itself, they were told, that the consumption of butter had increased. But if four-fifths of that consumption was in favour of Holland instead of Ireland, then the present duty was not a protection, in the sense originally understood. Ireland, it should be observed, had but one manufacture to send to England—her other exports were native to her soil. With that one article she had to pay to England for her manufactures, and to pay rents to that large body of absentees who spent their wealth in this country. In consequence of the system that had been pursued, the exports of woollen from this country to Ireland, which, in 1813, amounted to 2,000,000*l.*, was now diminished below one. This arose from improvident taxation and inefficient protection. England had absorbed the capital of the country in a very considerable degree, and left the people of Ireland without the means of consumption.

Mr. *Ricardo* said, the Irish gentlemen complained of want of protection, but what their rule of protection was he could not imagine. In this instance they had a protecting duty of 25*s.* per cwt.; but he supposed they would not be satisfied unless they had a complete monopoly of the trade. In his opinion, the proposition ought to have been the other way. Parliament ought to be called on to get rid of this protecting duty by decrees, by which means the trade would be rendered really beneficial to the country. The House was assailed on all sides for protecting duties. One day they were assailed by the butter trade, then by the dealers in tallow, then the West India planters complained, and the shipping interest also demanded legislative interference. But what did Adam Smith, that great and celebrated writer, say on this subject? His words were—"Consumption is the sole end and purpose of all production, and the interest of the producer ought to be attended to only so far as is necessary for promoting that of the consumer. This maxim is so self-evident, that it would be absurd to prove it. But, in the mercantile system, the interest of the consumer is sacrificed to that of the producer, as if production and not consumption were the end of all industry and commerce." No man could doubt the truth of this proposition. With respect to the application now made to the House, it was founded on a petition from the city of Dublin, which falsely stated, that the trade in butter had fallen off considerably. So far from that being the fact, it was, with the exception of one or two years, one of the greatest years of exportation that had ever occurred.

Mr. *S. Rice* said, that, borne down as Ireland was with excessive taxation, he did not think the principles of political economy, however true in the abstract, could be applied to her. It was true, that a great deal of butter had been imported from Ireland into this country, but it was lying in the merchants' warehouses unsaleable. If protection was not afforded to the butter trade, Ireland would become

one great arable farm, and, by producing a greater quantity of corn, would tend to distress still more the agricultural interest of this country.

Mr. *T. Wilson* concurred in thinking that the principle advanced by Mr. Ricardo, was not applicable to the present state of this country, and remarked that the butter shipped from Holland was of a better quality than that which came from Ireland.

Mr. *Western* reminded the House, that when Adam Smith wrote, England could produce corn and butter as cheaply as any foreign country. The excess of taxation prevented us now from maintaining the same competition, and hence it was that protection became necessary. It was extraordinary that gentlemen should prefer a trade with foreign countries to a trade with Ireland, when it was clear that the latter course would increase the consumption of our manufactures, and thereby promote the prosperity of the country.

Mr. *Huskisson* assured the House that he did not prefer the interest of foreign countries to his own, and that if he thought this additional protection would be of real and permanent benefit to Ireland, and of less injury to the country generally, he would give it his support. The hon. gentleman had compared the means of Ireland with those of Holland in the production of this article. Now, the fact was, that Holland was the most taxed country in Europe, not even excepting England. He objected to the present measure, because it would operate no relief to Ireland, and the effect of it would be, not to increase consumption, but, by raising the price of a bad article, to drive it altogether out of consumption. In the present state of Europe, it was peculiarly incumbent upon this country not to set foreigners the example of imposing additional restrictions on trade, but to convince them that it was our fixed determination to pursue that liberal system of commercial intercourse, which had been so auspiciously commenced.

Mr. *Hutchinson* said, that the principle of protection was that under which the commerce of this country had flourished. He did not, however, dissent from the general principles of the hon. member for Portarlington, but he could not help regretting that they should be applied at a moment when they could not but be detrimental to a suffering and impoverished country.

Mr. *Monck* expressed his conviction that the only mode of affording effectual relief to the agricultural interest was, not by raising the price of commodities, but by reducing taxation. The protection on the article of butter already amounted to nearly 60 per cent, and he never would consent to go on taxing the consumer for the sole benefit of the producer.

The motion was negatived.

HOUSE OF LORDS.

Friday, June 21.

ROMAN CATHOLIC PEER'S BILL.] The Duke of *Portland* rose to move the second reading of this bill. In doing this he could not refrain from reminding their lordships of what had been the state of Roman Catholic peers before the acts which the present bill proposed to repeal had passed. They would recollect that an act which passed in the reign of queen Elizabeth had excluded Roman Catholic members from the House of Commons. At this early period of the Reformation, when plots were supposed to exist against the new religion, it was not thought necessary to exclude Catholic peers from the House of Peers. In the reign of Charles 2nd, when the country was alarmed with charges of conspiracy, an act passed, by which Catholic peers were excluded from their seats. This act of the 30th of Charles 2nd was afterwards repealed, and that of the 1st of William and Mary substituted in its stead; but if a jealousy of Roman Catholics was necessary in those times, it could not be contended that the same jealousy ought to exist now. At any rate, the jealousy ought not to be greater now than it was in the reign of Elizabeth, when the power of the church of Rome was in full vigour. The noble duke quoted the act of queen Elizabeth, which stated, that her majesty had confidence in the lords of parliament, and therefore that the act was not made to extend to them. Thus the law continued, allowing Catholic peers to sit in parliament till the 30th of Charles 2nd. During that whole period it never was objected to them that they acted in any manner hostile to the established religion. He could not, therefore, conjecture what reasons were to be urged against the present bill, and consequently could not be expected to answer them. In the time of Charles 2nd the jealousy and fears which prevailed afforded some pretence for the

exclusion, and at the Revolution the state of the country also afforded a ground for that measure. But where could any pretext be found now? Parliament had, within the last twenty-five years, repeatedly suspended the Habeas Corpus act. But was it ever contended to be necessary, to make that suspension perpetual, because the dangers which made those suspensions expedient might again arise? Yet who would not allow that such dangers were a thousand times more probable than a Popish plot, or the intrusion of a Roman Catholic prince upon the throne? But those who opposed this measure ought at least to show that some such dangers were probable; for he would venture to assert, without fear of contradiction, that if the alarm of the Popish plot, or the dangers which followed the Revolution, or some equivalent cause of alarm had never existed, the Roman Catholic peers would have continued to enjoy their seats in that House to this hour; and if any person professing to entertain the fears which were opposed to the passing of this bill, had made them the ground of a motion to exclude *de novo* Roman Catholic peers from this House, such a motion would have been unanimously rejected as one of the grossest injustice.—He could see no difference between committing an act of injustice and continuing to connive at it. He regretted that his ignorance of the state of the law had made him so long a party to its continuance—and he had great satisfaction in endeavouring to atone for it by now moving the second reading of this bill.

Lord *Colchester* said:—My lords; differing entirely from the noble duke upon the important measure which he has brought under our consideration, I am desirous of stating briefly to your lordships, the grounds upon which I must endeavour to arrest its further progress. If, indeed, this day were set apart for declaring the sense of parliament upon the high and distinguished character of the Roman Catholic peers of the United Kingdom, the illustrious exploits of their ancestors, or their own personal merits, I beg leave to assure your lordships, with the most perfect sincerity, that there is no man living would concur more cheerfully or zealously than myself, in the expression or recognition of every sentiment which could redound to their praise and honour.

But, my lords, it is impossible for me, upon any such considerations, to concur in this bill, which by express enactment, or direct consequence, delivers to his majesty's Roman Catholic subjects at large, the keys of both Houses of Parliament; a measure studiously framed for obtaining, immediately and separately, the concession of a general principle in aid of the Roman Catholic claims, which concession may be afterwards brought to account, and turned to advantage, upon our future discussions; and this measure is represented to us now, as the mere repeal of certain laws of exclusion, as if they had resulted only from the crisis of an unfounded popular panic.

This exclusion, however, if examined historically, will be found to have originated in the general spirit of our legislation, established long antecedent to that period, commencing from the laws passed in the reign of Elizabeth,* against all Roman Catholic recusants indiscriminately, and continuing down to the period of the Test act, and the growing practice of the House of Commons, to remove its own Roman Catholic members; † no Roman Catholic then sitting in either house of parliament but by sufferance. The exclusion then established by the act of Charles 2nd,‡ was afterwards substantially recognized and adopted at the Revolution, by the prince of Orange's declaration from the Hague,§ requiring that Roman Catholics should be shut out from both Houses of Parliament, but by the summons of a Protestant parliament, and by the Bill of Rights ‖ enacted for the safety of "this Protestant kingdom" with a Protestant king. The like exclusion was formally and specifically enacted as to Scotland, and incorporated in the very act of Union, ¶ which requires, that the representative peers and commoners, and their electors also, should all be Protestant. And this exclusion, after the interval of three reigns from that of Charles 2nd, was again deliberately confirmed, and applied to the whole of Great Britain, in the first year of the accession of the house of Hanover; ** and

* Stat. Eliz. 23, 29, 35.

† Strickland's and Swale's cases. Com. Journ. IX. 393, 501.

‡ 30 Car. II. st. 2.

§ In M. Fagel's Letter to Mr. Stuart. 1687.

‖ 1 W. M. sess. 2, c. 1.

¶ St. 5 Anne, c. 8.

** 1 Geo. I, c. 13, § 16.

again in the reign of George 2nd;* the last of these statutes confirming all the former securities by express words, and declaring them to be in as full force as if every clause and provision of the former acts were therein inserted and re-enacted.

Such, my lords, are the origin and spirit of our policy; and such are the laws now existing upon this important point. And we have been often counselled by the wisest of our ancestors, that laws founded upon a general principle, such as this distrust of political power in Roman Catholic hands, although originating in a particular danger which has itself ceased to exist, may nevertheless be rightly retained, as safeguards against all other sorts of danger which fall within the scope of the same principle. But we are now told by the supporters of the present measure, that it is time to reverse our policy, and to repeal all our former laws upon this subject, and that the present bill is the first and fittest step to be taken towards so desirable an end.

Upon entering on this new course of policy, and considering how far we can safely proceed in this plan of repeal, and as to what we may do, or may not do, in the way of legislation, if we examine the ground before us step by step, we shall be enabled to judge more satisfactorily of the effect and bearings of the particular measure which we are desired this day to adopt. And in such a course, I have always thought that little should be done upon mere importunity, nothing upon menaces (such as we have sometimes heard), but every thing that we can do for the ease of our Roman Catholic fellow-subjects, so far as it can be done with safety to our own establishment in church and state; and so much, whatever be its amount, should, I think, be done freely and promptly upon its own fair grounds of justice and policy; and having done that, we should there, once for all, make our firm and final stand.

Of civil rights, I have always been of opinion, that the whole career of honours and emoluments should be laid open to the Roman Catholic dissenters, as much as to the Protestant dissenters from our national church, short only of the ruling powers of our Protestant church and government. I rejoice therefore, in the wise exercise of royal favour, in recently calling forth Roman Catholics of the highest rank to aid in the highest ceremonial of the royal state and dignity; and also in that signal mark of favour bestowed by the sovereign, in his late visit to Ireland, upon the most eminent of his Irish Roman Catholic subjects. The bar, the army, and the navy, are already open to them; and I see no reason whatever, against their admissibility to employment in all the services connected with the revenue, in all its various branches. It may be also matter of fair consideration, to equalize the condition and privileges of all Roman Catholics throughout the United Kingdom, and to give to all (so far as may be possible) the same as are now enjoyed by any in any part of it. And I should be glad to see this course proceed with no limitation to the favour and munificence of the Crown, or the liberality of parliament, as to all those offices, which (in the language of Mr. Burke*) are but instrumental in the executive administration of the state; reserving, nevertheless, and carefully reserving, to the king's Protestant subjects, all those higher offices which constitute its supreme rule and government.

Of religious toleration, and security for the worship peculiar to their mode of faith, there cannot be too much granted; and we should remove every painful restriction that trenches upon their feelings, and adds nothing at the same time to our defence. Of this sort would be the more complete protection of their worship from disturbance, if they need it; and the removal of that necessity which now compels them to celebrate their marriages in our church,† from whose rights and tenets their faith is abhorrent; and such relief I have cause to know was in the contemplation of a lamented friend, once the first minister of the Crown, whose life and power were unhappily and violently cut short by a premature fate.

But, my lords, the policy of our Protestant government still requires the continuance of our other existing restrictions upon all that concerns the ostentatious display of their worship; we must have no stately churches,‡ no processions in our

* 9 Geo. II, c. 26, § 6.

* Letter to sir H. Langrishe. 1792.

† Marriage act, 26 Geo. II. c. 33, excepting Jews and Quakers.

‡ Irish stats. 9 W. III. c. 1. § 8; 8 Anne, c. 3; 21, 22 G. III. c. 62; 35 Geo. III. c. 21; 40 G. III. c. 85; English stats. 31 Geo. III. c. 32, § 17.

streets, no monastic establishments in our realm, such as Castle-Browne, and Ampleforth, and Stoneyhurst, with their Jesuit professors, priests and missionaries; foundations erected in defiance of express law, and whose proceedings loudly call on the government and parliament for public investigation. On this head also, in addition to the enactments of our present laws, we shall do well to bear in mind the plain policy and express provision of the famous edict of Nantes,* which forbids the public exercise of any other than the dominant religion in our fleets and armies; a possible attempt, in the present growth of Roman Catholic pretensions, and which no man who values the safety of the state, can contemplate without just alarm.

With respect to the clergy of the church of Rome, as dissenters from our national church, I think it is needless and unwise any longer to refuse the recognition of their existence as a body. Nor do I see, why the sovereign may not in England, as he was rightly advised to do in Ireland, receive their petitions and addresses in that character, as well as those of the Protestant Dissenting ministers (as they are called) of the three denominations.

But here, my lords, the necessity arises for new laws to regulate this ecclesiastical body; and the sovereign and the state have a right to demand, that no ecclesiastical authority shall be exercised in this realm, by aliens, nor by natives long expatriated, nor by students educated (as they now are) under Jesuit professors at Rome, nor by members professed of any monastic order; we should have no archpriests, no vicars-apostolic, the mere diplomatic agents and instruments of the court of Rome; no ecclesiastics should be recognized but those of episcopal and secular character, whose powers and duties are defined by the canon law, and those individuals to be subject to the approbation of the Crown.

Further, my lords, the policy of all Europe, in Protestant, and even in Roman Catholic states, requires that the intercourse of their subjects with the see of Rome, be placed under the direct inspection and control of the Crown; and the details of the necessary regulations, as substantiated by the report from a committee of the other House of Parliament communicated to this House are now the standing diplomatic code of every nation in Europe, except our own. We must re-cast the provisions of the statute of Elizabeth;* and this is a work indispensably necessary, whatever else is to be done, and independently of all other measures. For lord Clarendon has long since truly told us,† that it is in vain to legislate concerning the Roman Catholic laity, unless you also bind their clergy; for they turn things civil into things spiritual at their pleasure; and holding in servitude the conscience, they do therefore govern also the actions of the laity.

Such privileges as I have presumed to specify, and any others of the like degree, but under such limitations and regulations as I have suggested, may and ought, in my opinion, to be granted freely and promptly; but no political power in the ruling offices of the state, no seats in the supreme courts of justice, none in the royal councils, none in our Houses of Parliament.

Our Protestant ascendancy must be paramount, or we shall have, in no long time, a Roman Catholic domination. Let us not deceive ourselves. These two claims to power are utterly incompatible and irreconcilable.

The principles of the Roman Catholic religion are in direct hostility to the Reformed religion; and the basis of my refusal to admit Roman Catholics to the supreme offices of the state, is founded in my conviction of their sincerity in the religion they profess.

If you ask for the evidence of this hostility, it is prominent and undeniable; not drawn from Transalpine authority, nor from Spanish bigotry, but from the highest authority in the Roman Catholic church of France, from the writings of the acknowledged champion of the liberties of the Gallican church, the celebrated Bossuet, whose exposition of the Roman Catholic doctrines is still the manual of the faithful; and in his great work upon the variations of the Protestant Reformers from the true standard of faith, we are told again and again:—"The exercise of the power of the sword in matters of religion and conscience, is a

* Edict of Nantes, article 15.—No Protestant worship in the army, "si non aux quartiers des chefs qui en feront profession."

* 13 Eliz. c. 2.

† Lord Clarendon, Discourse on Religion and Policy; p. 667, 679.

point not to be called in question. There is no illusion more dangerous than to make toleration a characteristic of the true church."*—"The church of Rome is the most intolerant of all Christian sects.†—It is her holy and inflexible incompatibility which renders her severe, unconciliatory, and odious to all sects separated from her. They desire only to be tolerated by her; but her holy severity forbids such indulgence." These doctrines, renewed as they have been in our own times by the pontifical authority itself,‡ it is in vain for the Roman Catholic laity to disclaim, unless their clergy also, in whose hands their conscience is placed, shall now come forward and openly renounce this hostility.

We are told, I know, that our fears are nevertheless visionary, and the dangers we apprehend are unreal; that we who oppose these claims to power miscalculate their strength, and misrepresent the spirit of the Roman Catholic church in the present times;—that what once was hostile, is now changed and mitigated; that other states wisely adopt a more liberal policy;—and finally, that whatever be the principles of the Roman Catholics, their numbers are too disproportionate to ours, in this House, to give us cause for alarm.

Upon each of these points, a few words may suffice. And first, as to the mitigated spirit of hostility to our church in modern times. All who have visited the continent of late years, will, I am sure, be forward to allow, that the dignified simplicity, and unaffected piety of the reigning Pontiff, and the courteous attentions of his ruling minister to foreigners of all nations, and of England more especially, do justly command our respect and grateful acknowledgment. But it is not upon such grounds that we must legislate concerning the defences of our Protestant government. For history has recorded the circular mandates,§ issued by the present Pontiff himself, when torn from his dominions, and carried into exile, by the brutal violence of France; mandates, replete with the doctrines which we have most cause to dread; and history will not fail to record also, that, upon his restoration, he has re peopled Italy with monks of all orders, and revived the Jesuits, whom all Europe had proscribed; and has opened the way for a Jesuit confessor to stand once more by the throne of a monarch.* And amongst the latest proofs of the same unchangeable hostility to Protestants, as such, the court of Rome has recently refused to protect from insult and destruction the Protestant tombs which have been erected within the walls of Rome; and has refused this reasonable request to the joint solicitation of all the Protestants of Europe there resident, though strongly urged by the diplomatic representative of one great Protestant power,† and repeatedly pressed by the presumptive heir of another Protestant crown,‡ an illustrious person, now no stranger to the habits and institutions of this country.

But then, my lords, we are next desired to withdraw our views from Transalpine or Transappenine Rome; not to look to the dark dogmas of the Vatican, or to the superstitious credulity of a people who could attest or believe in the modern miracles of 1797 or 1811:§ we are desired to come forth and look upon the map of enlightened Europe, and take example from the more liberal policy of other states, which rule over a mixed population of different modes of faith.

Be it so. And what shall we find here? Roman Catholic sovereigns, such as France, Austria, and Saxony (for Spain and Portugal are blotted out and of no value in such a question), ruling Protestant subjects; and Protestant sovereigns, such as Prussia, Sweden, Denmark, and the Netherlands, ruling over Roman Catholic subjects.

Of these, the Roman Catholic sovereign

* Bossuet Hist. des Variations, Livre x.

† Hist. des Variations, Sixième Advertissement.

‡ Circular Letter of Pius VII, to the Cardinals, 5th Feb. 1808.

§ 5th Feb. 1808.

* King of Sardinia, 1822.

† Envoy of Prussia.

‡ Prince of Denmark.

§ See "Miraculous Appearance of the Images of the Blessed Virgin opening her eyes in various parts of the Roman state, between 9th July, 1796, and January, 1797," published at Rome, 1797, by Di Gio. Marchetti, Esaminatore Apostolico, with 862 Attestations, by persons of the highest rank and credit. 1 vol. 8vo. Also, "The Miraculous Extases of the present pope at Savona, in June, August, and September, 1811, engraved and circulated throughout Italy.

has nothing to fear from the admission of Protestant subjects to political power; for the Protestant has no foreign connexion, no proselyting spirit in his religion, and he may be put down with the stroke of a pen.

The Protestant sovereign has, in every instance, jealously bound his Roman Catholic subject from any unauthorised intercourse with Rome; and he can equally dismiss him, if troublesome, by the same short process.

There is amongst these, no case parallel to ours. Arbitrary governments and limited governments stand on a different footing, as to the power and privileges which they can safely allow to the different classes of their subjects; and there exists no other country but this, where character, talents, and popular credit, can raise any subject instantly to that eminence which commands an entrance into the service of his sovereign, and gives him an effective share in the ruling councils of the state, for its preservation, or for its destruction, as the event may prove,

It is urged, in the last place, that the danger which we object to the present measure, must have reference to the numbers of those whose pretensions, if admitted, are to create the danger. This is undoubtedly true. But we must be careful, not to lay what ought to be the durable foundations of our legislation upon shifting grounds. In legislation, as in every other prudential and practical question, we should consider to-morrow as to-day. And it is amazing to me, that any persons of ordinary sagacity can fail to foresee, that the paucity of present numbers affords no security against their future increase.

Any powerful minister of the Crown, who advocates measures like the present, with a strong sense of the injustice which (according to his view) the existing families who constitute the Roman Catholic gentry have long suffered, may, and ought, upon his own principles, to make them speedy and full compensation for their long-intercepted honours. In the reign of queen Anne, we have a precedent for a simultaneous addition to our peerage of no inconsiderable amount; and in proportion as the grievance is considered to have been long, heavy and unjustifiable, such in proportion would naturally be the reparation. We might well look to have in our House a much larger importation than took place at that period; and successive ministers, under the occasional difficulties which beset them, when the gates were set open, and the broad path paved, might, and would enlarge the number without stint or limit.

By irresistible inference, what might be called equal justice should be done also with respect to the other House of Parliament. The Roman Catholic elector must be allowed to elect Roman Catholic representatives for his county, whether in England or Ireland; and I leave it to your lordships meditation, how soon, and by what courses, political ambition, coupled with or goaded by religious zeal, duly directed, might gradually appropriate to itself, by the wealth of ancient and opulent families, much also of that description of property, which locally influences the return of other members to the Commons' House of Parliament. I verily believe, that the current would set strongly and constantly in that direction, and the consequences are manifest.

And now, my lords, to conclude these observations with which I have already troubled your lordships at too great length. With my view of the present character and future consequences of this measure, by which a new form of party spirit will be introduced into both Houses of parliament, directed always, under all circumstances, steadily and invariably to one and the same sole object, by which polemics will be revived in our universities, discord spread through our municipal corporations, the land peopled with more Jesuit establishments for the education of our youth, and a restless, proselyting clergy, with all their missionaries, set at work throughout the country;—and preferring as I do the national character and habits of our country as they now prevail, the sober piety of our Protestant form of worship, and the mild and tolerant spirit of the church of England, rightly understood, I must of necessity vote against the further progress of this bill; and I shall therefore conclude, with proposing as an amendment to the original motion, "That instead of this bill being now read a second time, it be read a second time on this day six months."

Lord *Erskine* said:—I have listened, my lords, to my noble friend with great attention and respect. I give him full credit for the state of the Catholic world in the papal countries he has so lately

visited. Nobody is more competent to make judicious observations, nor more sure to report them faithfully; but I cannot see their application, nor of any part of his able speech to the motion, he has made. To every thing that has been said, I answer, that this bill now before us, which he desires us to reject, does not claim, as matter of political expediency, the general admission of Catholics to the legislative franchise, but only asserts the hereditary right of Catholic peers to their seats in this House, upon their taking the oaths prescribed by law to other Catholics, when received to various functions of the magistracy from which they were formerly excluded.

If the ancient constitutional policy of the country had required that the legislature, in all its branches, should be Protestant, Roman Catholics (even peers) must of course have been excluded, from the period of the Reformation; but the contrary is most notorious; nor was the validity of their inherent privilege ever agitated or questioned, until it was abruptly taken away by the act of the 30th of Charles the 2nd, an act not arraigning the general policy of the past enjoyment of their rights, but repealing them, upon a grossly false and wicked imputation of disloyalty in all Catholics, to the civil constitution of the state. In a word, my lords, the popish plot was the sudden and sole ground for incapacitating the whole Catholic peerage; although there was no evidence whatsoever, to arraign the integrity or loyalty of any one lord in this House. Nothing, indeed, can be more afflicting, than to look back to the trial of viscount Stafford, the unhappy victim of this atrocious conspiracy. Few men, my lords, have had more experience than myself in the proceedings of courts of justice, yet my whole life is in a manner a blank in the contemplation of human iniquity, when I compare all I have witnessed with the horrid perjuries by which this innocent and pious man was sacrificed; and nothing can more strikingly mark the blind prejudice which at that period overshadowed the ablest and justest men, than to attend to the language of Mr. Serjeant Maynard, so justly celebrated at the æra of the Revolution, in his opening of the impeachment, on the foundation, the sole foundation of this nefarious plot. This able lawyer addressed the House of Lords in these very words:—"The particulars concerning this noble lord, rested at first upon the testimony of one man only, viz. Titus Oates; and as to the matter of fact, I shall say only this, and I wish it to be spoken in gratitude to the Almighty God, that the discovery of this plot was rather the work of God than of man. It was the act of God rather than of man.—It was the act of God in prevailing upon Mr. Oates to make the discovery, and afterwards, by the voluntary confession of one concerned in the whole plot, I mean Mr. Bedlowe; and then there were two witnesses which was necessary in cases of treason. I shall say no more than that we ought to acknowledge the hand of God in this discovery with great thankfulness; for it is he, and he alone, out of his own grace and goodness, that hath done it, and thereby preserved the life of our prince to us, and in him us too." I have no doubt that this great lawyer delivered this speech with the most perfect conviction of its truth; yet with such a miserable case as he had to support it, nothing could be more unworthy of a man of sense. How much more just and affecting was the appeal to the mercy of God on the lips of the unhappy lord Stafford, when he expressed a confidence, that "it would please Almighty God, in a short time to bring truth to light, when his judges and all the world would see what injury had been done him." And surely, my lords, the dying wish of an innocent and pious man was never more fully and strikingly accomplished; for this speech was on the 23rd of December, 1680, and on the 8th of May, 1685, not five years afterwards, this monster Oates was convicted of the most accumulated and palpable perjuries, in the Court of King's Bench, upon the oaths of above 40 witnesses, who proved, without a shadow of contradiction, that he was, without an hour's absence, at St. Omer's in France, throughout the whole period when he had been swearing to the traitorous meetings in the Strand of London, by which lord Stafford and other innocent men were to be murdered. And, what should caution us, my lords, against prejudices beyond any one fact that history ever recorded, or can have to record hereafter, our public-spirited and honest forefathers, after they had redeemed their country by the glorious Revolution not only pardoned this most infamous monster, but libelled the court of justice that tried him, and granted him a pension for his

life; and this not upon any assumed discovery of his innocence, but accomplished in all the nakedness of delusion and injustice.

Nothing can be more lamentable than all this; and, therefore, to close at once the disgusting subject, if any one amongst your lordships is prepared to say, that this charge upon the Catholic lords, had any other foundation whatsoever than this odious and detected conspiracy, I will withdraw my support to the bill, and vote for the motion before us. I am a man of Scotland, my lords, bred from the beginning of my days in what was called by Mr. Burke, the Protestantism of the Protestant religion, which I shall ever adhere to; but I never can believe that either the Protestant faith or our Protestant establishment, can at all suffer from establishing the birth-rights of calumniated Catholics, which is all that is demanded of us by this bill.

At the time when this exclusion took place, by enacting an oath which no Catholic could possibly take, and which we had by our own standing orders declared should never be administered to a peer for the destruction of his inheritance, there was a well-founded apprehension of a popish successor to the Crown. Is that so now? Let me ask my noble and learned friend upon the woolsack, whether he apprehends any such danger from the illustrious duke who sits so near him, or from any other prince of the royal house [Hear, hear, and a laugh!].

At the same period, also, and long after the Revolution, no credit whatsoever was given by the law to the protestations or oaths of Roman Catholics. They were proscribed by a long catalogue of penal statutes; and as they were admitted to no tests by which their fidelity to government could be manifested, they were, of course, excluded from every situation of trust or magistracy, which, by ancient custom, can be only filled under solemn sworn declarations of fidelity to the state. I am ready to admit, therefore, that whilst such a system of universal mistrust and proscription continued, it might be difficult to make an exception of the peerage after the 30th of Charles the 2nd, had been passed; from the assumption, that all Catholics were incapable of fidelity to a Protestant state whilst they admitted the supremacy of the pope; but can this be maintained now, when the whole proscriptive system has been abandoned; when spiritual supremacy is no longer absurdly confounded with temporal authority; and when Catholics have accordingly been admitted to the most important functions of the magistracy, after taking the oaths of abjuration prescribed by modern statutes—oaths which Catholics of all description without any religious scruple have ever been ready to take—and are received under them to high offices of trust. And in Scotland, as your lordships cannot but know, the *king's* religious supremacy was never admitted, and such an oath was never, therefore, administered, and so entirely is such supremacy put aside, that by the act of the 33rd of the late king, referring to another act passed two years before, for the protection of English and Irish Catholics, the oath of abjuration only is prescribed as set out in the statute, and it then declares, that whoever has taken it shall be taken to be, to all intents and purposes, as a loyal subject, and as having abjured popery altogether.

Now, let me ask your lordships, why this act, and this act alone, would not be sufficient test of loyalty, and of having abjured popery altogether, in every sense connected with fidelity to the government, if administered to Catholic peers before they take their seats: and why the same oaths that are daily administered to other Catholics, under which they are admitted to public stations, should not be now accounted also sufficient test for Catholic peers who never should have been subjected to any test whatsoever?—To keep up this solitary test of supremacy for the purpose of exclusion is therefore now not only most unjust, but manifestly contradictory and absurd.—I hoped that the well-timed and gracious visit to Ireland, and all that passed there, was intended to put an end to this impolitic and perilous system. Tranquillity can never be restored to that misgoverned country, so long as it continues, nor any benefit be derived from it to the empire, of which it would otherwise form so valuable a part.

The *Lord Chancellor* was of opinion, that this bill demanded nothing more or less than unlimited concession to the Roman Catholics. Give the Catholics this bill, and they could resist nothing hereafter which they ought to resist. If he could hesitate one single moment to grant any thing which the Roman Catholics could request or desire, provided the Protestant church was secure, he should act

most unworthily. But he never could learn what securities were to be given to the Protestant church; and that was the reason why he never could assent to the concessions asked. Towards the end of the last session he had, indeed, seen a bill which proposed its securities. But, good God, was it from the descendants of the great authors of the Revolution of 1688 that a measure proceeded which was the most amazing thing he had seen in the course of a long life? The measure of last year provided, or rather left, one security; which was, that one individual should be a Protestant—an individual who must be a Protestant, and who, if he ceased to be a Protestant, would at once, and by that act, dissolve all allegiance. The king, it was provided, must be a Protestant; but the bill of last year left that Protestant king to be surrounded by Roman Catholics, save only the individual who held the office which he (the lord chancellor) so unworthily held. If he were speaking any where but in that House, he would say he had never seen such nonsense. That House had never had submitted to it such trash about bulls, and dispensations as that bill contained. He would here say, and he said it once for all, that many of their lordships had a very imperfect notion of what the state of the Protestant mind was upon this question. This he said, not upon the authority of petitions, but upon authority which could not mislead him. The noble lord had distinguished Roman Catholic peers from other Roman Catholics. He should say nothing but what was most respectful towards them. It was not for such a man as he was to speak his own sentiments on such a point, but he would adopt the words of a great judge, in the case of the great chamberlain, who said, that he made a covenant of his affections and feelings, lest they should wrest his judgment; for who that had any feeling of nobleness and greatness could help feeling in the case of such a person? So he said in this case. He could, however, avail himself of the authority of Mr. Pitt, of Mr. Grattan, of many noble lords in that House, of every name celebrated as advocating concession since the last twenty years, and even of the respectable gentleman who was supposed to be the author of this bill—to bear him out in saying, that until the end of last session not one of them had asked concessions to the Roman Catholics without securities to the Protestant church. It might be said, that this was a particular measure, and had nothing to do with the general one. But that he would deny. When their lordships should have passed the bill now before them, it would be out of their power hereafter to deliberate as they ought on any further concession. On looking at the bill in its original shape, he was disposed to think that he had been misled by some foolish fellow of a printer who had got hold of the wrong manuscript. The bill, to his great astonishment, proposed to repeal an act of Charles 2nd. It was not a little extraordinary that the right hon. gentleman (Mr. Canning), whom he wished very well whatever part of the world he might go to, assisted as he had been by the labours of many lawyers, should pretend to repeal an act which had been repealed a hundred years ago. This absurdity, however, had been got over; and now its advocates went on to say, that the circumstances and causes which existed in the time of Charles 2nd, were now removed, and, therefore, that the bill ought to be adopted, without ever considering whether the circumstances and causes which had called forth repeated enactments since that period, had all disappeared with those at the time of Charles 2nd. No man could look at the history of this country prior to the Reformation, without feeling that our ancestors, however nobly they might have conducted themselves in other respects, had ignominiously submitted to the See of Rome. From that period down to the Revolution, the public mind took another turn, and the country was afflicted with all those miseries which resulted naturally from the unsettled condition of its religion, and the difficulty of determining whether the Catholic or the Protestant would ultimately be adopted by the state. If the House should decide in favour of the present measure, they would place the country in the same difficulties, and expose it to the same calamities, until another revolution should determine whether the Catholic or the Protestant religion should predominate. If they were of opinion that the Catholic religion ought to predominate they should say so; if they thought that the Protestant religion ought to predominate they should say so. One or the other they were bound to say. An act to repeal the acts which had passed at different times, imposing restrictions on the Catholics, was an act to restore the supremacy of the pope. But what was

the opinion of chief justice Hale himself with respect to the oath of supremacy? He had stated distinctly, that it was impossible for Protestants and Catholics to take the oath of allegiance in the same sense, if the Catholic refused to take the oath of supremacy. In the reign of Henry 8th and in that of Elizabeth, the struggle went on between the contending parties. Then came the Corporation act and the Test act. It was impossible that they could give the Catholics what they asked, and leave the Protestant Dissenters in their present state. In the 5th of Elizabeth, by a strange anomaly, the House of Commons was at liberty to have Roman Catholic members, while the House of Lords was prohibited. This was inconsistent enough; but it was with perfect astonishment he had heard it insinuated, that all the great men concerned in the Revolution were seized with such a terrible fright as to continue and re-enact for that reason alone, the provisions of the act of Charles 2nd in the settlement which they made. In his opinion, if Titus Oates had never been born, the same enactments would have taken place. He could not forget what Russell had said of popery, what Sidney had said of it. In looking to the spirit of the times, and the principle upon which those enactments rested, the question with him was, whether the measures taken by William, queen Anne, and George the 1st and 2nd, for the security of the Protestant establishment, should or should not be repealed? In all the indemnity acts that were passed, no allusion was made to the act of Charles 2nd, but merely to those which he had just mentioned. As to the confidence that ought to be placed in a king, he looked on the word of a king to be as sacred as his honour or his oath; but that would not do as a security for the constitution. James the 2nd had often said, that nothing could be nearer to his heart than the protection of the Protestant religion; yet he went on making his own will the law, and dispensing with the act of Charles 2nd, and with all others that ought to have bound him. He, therefore, would be unwilling to trust a king any further than the law had trusted him. He was anxious to provide for to-morrow as well as to-day; and not being able to foresee what might happen, he was desirous to retain the securities which our ancestors, at the Revolution, considered to be necessary. He might be told, indeed, that no acts, not even those of the Revolution, could be considered fundamental; that the legislature of one day could not bind the legislature of another; but it accorded with the principles of legislation to say of certain acts, that posterity should be cautious how they disturbed them. They would find, with respect to the acts to which he now alluded, that they were stated at the time to be fundamental and binding for ever; which marked at least the importance attached to them by our ancestors. What was the language of king William in all his communications? He had stated over and over that some permanent settlement should be made, in order, that the religion and liberties of the country might never again be put into danger. And what did our ancestors do? They who were so desperately frightened by Titus Oates, re-enacted the disability of the Catholic peers to sit in parliament. They provided that the Lords should be Protestant, the Commons Protestant, and the King Protestant also. They even took care to provide, that he should marry a Protestant; and, not content with all that, they added a coronation oath, by which the king bound himself to support the Protestant religion, as by law established. At the time of the Revolution they made the church and state Protestant, and the king could not take his seat on the throne without pledging himself to protect both church and state, under the obligation of an oath. They had determined that the parliament should be Protestant as well as the king; and the Bill of Rights declared that that should be the law for ever. He did not mean to say, that parliament had not the power to alter the law if they should think proper; but he would say, that they ought to proceed with great caution in a question of such vast importance, and hesitate before they passed so great a censure upon those who effected the Revolution. He now came to the union with Scotland; and he would say, that if they were at liberty to do that which was now proposed, the parliament of Scotland had made a bargain with the legislature of this country, so exceedingly foolish, that he knew not how to designate it by any appropriate epithet. The English acts on the subject of that union were very few: those passed by the parliament of Scotland were more numerous. He would call on noble lords to read the acts both of England and Scotland relative to the union, and, having

done so, they could entertain no doubt but that a pure Protestant legislature was intended. It was expressly stated, that no man should be elected, and that no man should elect, to a seat in either House, who was not a Protestant. It appeared to him utterly impossible that they could, under these statutes, agree to this bill. If they did, they might, if they pleased, overbear the whole of the provisions connected with the union of Scotland and England.—He now came to the reign of Geo. 1st. Soon after the Revolution, an act was passed which had nothing to do with the causes that produced the act of Charles 2nd, and yet it recognized the provisions of that measure. In the same way, the act of George 1st, without referring to the Revolution as necessary or not—without adverting to the causes that produced it—alluded to all the acts and declarations which had sprung out of it, and re-enacted them all. He then alluded to the act of indemnity passed in the reign of George 2nd, as a farther illustration of his argument. In the preamble of that act, the causes and circumstances which gave rise to the act of Charles 2nd were enumerated; and he contended, that their lordships could not agree to the present measure, without saying that all the causes and circumstances which occasioned various acts from the time of Charles 2nd up to the last year, had ceased to exist. How, he demanded, could such an assertion be made by those, who, year after year, when bringing bills into parliament on this very subject, ushered them in with a declaration, that they could not think of touching on the Protestant establishment in church and state, and therefore proposed what they called securities, but what he considered to be no securities at all? How any one could introduce such a measure as the present, and at the same time say, that it would have no effect whatever on the general measure of emancipation, he could not conceive. Submissive as he was sure the people of this country would be, to whatever parliament enacted, still, he hoped, that, with reference to this measure, the feelings of the people would not be forgotten. He knew not the meaning of one body of people being excluded from the House of Commons, while another body, professing the same faith, were admitted into the House of Peers. If they were once admitted to sit in that House, Roman Catholics must also of necessity sit in the House of Commons. It could not be otherwise. Would the noble mover of this bill abrogate any of those enactments which, with respect to religion, affected the sovereign? Would he allow the king to marry a Papist? If the noble earl, from a conscientious feeling, would prevent his sovereign from marrying a Papist, he from an equally conscientious feeling, must object to the introduction of Papists into that House. He was quite sure, that if he agreed to this specific measure, he could not resist any other. It was nothing more nor less than a motion for general emancipation; and therefore he could not consent to its adoption. In a short time it would be of very little consequence to what he did or what he did not consent; but, while he had the power, he would endeavour to discharge his duty firmly. It was repeatedly urged, that the question of emancipation would be carried sooner or later. He did not believe it: and he thought the oftener the assertion was made, the less chance there was of its being confirmed. If these were the last words he ever spoke, he would say, that, should this measure be carried, then the liberties of his country, as settled at the Revolution, the laws of his country as established by the securities formed at that time for the preservation of her freedom, were all gone; but he should have the pleasure to reflect, that he had not been accessary to their destruction. The laws and liberties of England he would maintain to the uttermost; and therefore he would decidedly oppose this measure.

Earl Grey admitted, that the learned earl had introduced into the present discussion a great portion of legal learning; but its application to the question now before the House had not, he thought, been very distinctly pointed out by the learned earl. He would begin where the learned earl had concluded. He would say, that to the liberties of his country, as established at the Revolution, he was as firmly attached as the learned earl; and if he could see, in this bill, the most remote tendency to the destruction of any of the necessary securities for the maintenance of those liberties, no man would more eagerly resist such a measure than he would. But, believing that this exclusion was not the principle on which their ancestors had acted at the Revolution, but was, in reality, an exception to the general principle; and seeing, in the

present state of the world, that there were no longer any of those existing causes which history informed them operated on the minds of men at that time, he, in the genuine spirit of the Revolution, appealed to their lordships on behalf of those noble persons who had hitherto been deprived of the rights and privileges which were inherent in them from their birth. The learned earl like the noble baron on the cross bench, had endeavoured to impress their lordships with a notion, that this bill, if passed, was only a preliminary step to the adoption of the full measure of emancipation. Undoubtedly, if that were the case, it would not operate as an objection in his mind. It was, however, said, that this measure was only a veil, by which the real object intended to be effected was kept out of view. But though he had heard such insinuations cast out against this bill, it did not in the smallest degree alter his opinion of it, and he thought that those insinuations were without the remotest shadow of foundation. How stood the case? The author of that bill, an open, ardent, and, it must be admitted, most powerful advocate of the Roman Catholics, seeing that it was not intended by those who usually introduced this question, to bring forward a general measure of relief in the present session, determined to introduce the measure now before their lordships. On his application to the House of Commons, he was allowed to bring in a bill to admit Catholic peers to seats in their lordships house—a privilege of which they had been deprived contrary to justice. Was not the measure thus brought forward entitled to be considered on its own merits, without reference to any adventitious circumstance? Certainly it was; and it required more than the mere assertion of the learned earl, to prove, that, if it were passed, the full measure of emancipation was conceded. He had always abstained from resting the claims of the Catholics on any assertion of right. He maintained, as high as any man could do, the general rights of conscience, in obedience to which men were permitted to worship their Creator according to the forms of that religion which they believed to be true. Admitting this, however, he admitted also that it might be liable to restraint, when such restraint was proved to be necessary for the general safety. But this necessity ought to be clearly made out, and the *onus* of proof lay upon those who maintained that restrictions and disqualifications were called for. This was the only true principle, on which exclusion could be justified. If such a case could be made out, and if the right of self-defence were as great in communities as amongst individuals, then he admitted that exclusion might be resorted to. But the proof of the necessity rested on those who introduced restrictions; and if, in the case of an individual, they were bound to look with anxious attention to the proof of such a necessity, how much more forcibly were they called on to examine the circumstances connected with the situation of those Roman Catholic peers, who were brought before their lordships, not on their own application, but by a strong sense of justice operating on the feelings of him, the author of this bill? It was for those who opposed the bill to show, why those noble persons should be deprived of those privileges to which they were entitled at their birth—which their ancestors had enjoyed through a long series of ages—and which could not be abrogated, except for crimes that would degrade them from the peerage, or in consequence of some political necessity such as he had stated.—Placing the question on this ground, let their lordships see how it stood. From the Reformation, until the time of the act of Charles 2nd, Catholic peers were not excluded from that house. The learned earl had gone into previous parts of our history, and had quoted several acts of Henry 8th, passed to secure the succession of the Crown in the proper line. These acts referred to the oath of supremacy, but none of them required that oath to be taken by members of either House of parliament. Until the 5th of Elizabeth, no oaths were taken, and no qualifications were required for members of parliament. In the 5th of Elizabeth, an oath was taken; but it was not introduced as a previous condition for members about to take their seats, neither was it visited by forfeiture if they did not; and in the act containing that oath, there was an express exception in favour of members of the House of Lords. Then, what was the inference, when, in the early part of the Reformation, at a time when the dangers which threatened the new system were so great, they found no test imposed? Was it not clear, that the Catholic religion was not viewed as containing doctrines dangerous to the

state? What was the situation of Elizabeth, and what were the dangers to which her government was exposed? She had, at the time to which he alluded, the most powerful monarchs of Europe leagued against her: the most powerful pontiff that the history of the Catholic church could furnish, then sanctioned the measures of those potentates who were anxious for her destruction. That was a period abounding in fearful events. The assassination of the prince of Orange in the Netherlands—the massacre of St. Bartholomew in Paris—the various conspiracies against the life of the queen, were all calculated to excite distrust and suspicion. And yet, with all these inducements to adopt severe measures, Elizabeth and her parliament never thought it necessary to exact that security, which the learned earl now declared to be the great defence on which the safety of the constitution, and of the Protestant religion, essentially depended. On the contrary, by an express provision in the act, peers were exempted from the operation of that law which compelled members of the other House to take the oath of supremacy. Elizabeth found no reason to repent of her conduct. The country was menaced by various dangers in her time, but the learned earl could not show that any danger arose from the course she adopted towards the Roman Catholics. Notwithstanding all the efforts that were made to exclude them, the great body of the peers never thought such a security necessary. When the great combination was set on foot against the Protestant religion, headed by Philip 2nd, and aided by the policy of the pope, did Elizabeth find any reason to repent the confidence she had placed in her Catholic subjects? Were not the Catholics most zealous defenders of Elizabeth's throne, against the assaults of her numerous enemies? In the time of James 1st they continued to enjoy seats in that House, notwithstanding similar dangers which then prevailed, and the hatred which James bore to their religion. Charles 1st, plunged into a civil war, partly by his own misconduct and partly by the misconduct of his advisers, found the Catholics amongst the most vigorous supporters of his Crown.—He now came to the reign of Charles 2nd. And here the learned earl appeared to have confounded two laws. The Corporation act was passed in the first year after the restoration of Charles 2nd, and that which was passed in the 13th year of his reign was directed against the adherents of Cromwell and the Puritans. The Test act was introduced to keep down the duke of York and his adherents—the duke being the next heir to the throne, and known to be a Roman Catholic. That act excluded from civil and military offices those who would not subscribe the declaration against transubstantiation. It had the effect of removing the duke of York from all his offices, which was followed by the resignation of the lord Treasurer. The subsequent conduct of the duke of York justified all the fears that were entertained of him; and it was also suspected that the king countenanced the religion of his brother. Under these circumstances, that period arrived which gave birth to the popish plot. The learned earl must surely be struck with horror at the bare recital of the proceedings which then took place, when law afforded no protection, and innocence imparted no security—when the most incredible tales were supported by the most hideous perjury—when fears and prejudices were so much stronger than reason, that credit was given to stories so improbable as to excite wonder how men, even under such circumstances, could believe them. The act of the 13th of Charles 2nd was passed during this alarming state of things. But he would refer to events that occurred in the year 1675, the year in which the test act was passed, but previous to the passing of that act. At that time another Test, called the Bishop's act, was proposed. It was sent to their lordships House, but it was resisted, as incompatible with the rights of the peers. They declared, that its provisions affected those rights which were inherent in them from their birth, and which could not be taken from them except by the commission of particular crimes. In the course of the discussion on that bill, a standing order was proposed, in one of the fullest Houses that ever assembled, and was carried nem. con. that no peer should be deprived of his seat in parliament, on account of his refusal to take any oath. Thus was established the right of Catholic peers to sit in that House; yet, although this order remained on the Journals of the House, the statute of the 13th of Charles 2nd was passed. By whom was that statute proposed, and who were its supporters? By the very persons who had previously maintained the right of peers to sit in that

House without taking a test. What was the inference to be drawn from this remarkable circumstance? That the Popish plot had excited such feelings of terror and dismay, as induced those who were in power to remove from amongst them the Roman Catholic peers. Those peers had an hereditary right to sit in that branch of the legislature, from which they could not fairly be excluded, except some paramount necessity demanded it. Their exclusion must be founded on, and limited by, that necessity alone. Taking into consideration all the circumstances of the time, and looking to the heats and violences that prevailed, and which deprived the measure of all those sober qualities of collective wisdom that ought to distinguish such an act, he now stood before their lordships and claimed for the Roman Catholic peers the ancient privileges of the constitution. He asked for no new concession—he aimed at no innovation—he called for the ancient constitution of that House, bottomed on the principles and the practice of the ancient constitution of the land; and, before he refused the claim, the learned earl must show, that something had occurred at a subsequent period which gave to this law of exclusion that character, which could not fairly be contended to belong to it. The learned lord said, "Setting aside all the horrible perjuries of Oates, and of the villain Bedloe, we now come to the period of the Revolution;" and then it was argued that, although the perjuries of Oates had been discovered, yet it was found necessary, on strong but very different grounds, to continue this law of exclusion. It was, he knew, continued under the reign of that monarch to whose exertions they were indebted for all the law and liberty which they now possessed. But he was inclined to think that, if some little credit had not been given to the stories of Oates, the act would not have been continued at the Revolution. The Revolution stood on principles opposed to that measure; and as the exclusion was kept up at that time, it was necessary to show under what circumstances it was adopted or continued. If it could not be proved that it was continued in consequence of some manifest danger to be apprehended from the Roman Catholics, the mere fact of its being continued would not serve the argument of the learned earl. At that time the fabrications of Oates were fresh in the memory of the people, and a popish sovereign, who aimed at the religion and laws of the country, had been excluded from the throne. His interest was supported by almost a majority of the country; and his object was, to establish arbitrary principles, and to remove those laws which were obnoxious to the Roman Catholics. Besides the support of many of the subjects of this realm, the exiled price was countenanced by the great monarch of France, then in the zenith of his power, and all the Roman Catholics of that day were attached to his fortunes. It was to these impending dangers, and to the fears which they created, that they must attribute the re-enactment of those laws which were otherwise wholly inconsistent with the principles of the constitution. But the persons who acted at the Revolution, and to whom they owed every thing of law and liberty which they possessed, were not impelled by those motives alone: they also maintained opinions of the Roman Catholic religion very different from those that were held at the present day. Upon former occasions, the learned lord had quoted Locke and lord Somers. Now, those illustrious persons were not exempt from the prevailing prejudices regarding the Roman Catholic religion; they believed that its professors were connected with the abdicated monarch, and that it involved principles dangerous to society itself—notions which at present no man entertained. The noble earl opposite, on previous debates, had himself admitted that he found nothing immoral in the tenets of the Roman Catholics; he did not think that they sanctioned a breach of faith with heretics, or supported the doctrine that princes might be excommunicated by the pope, and subjects absolved from their allegiance. From all these charges the Roman Catholic religion had now been exculpated. Looking, then, to the period of the Revolution, he found that there were two grounds on which the exclusion had rested. 1. The danger to which the government might be exposed by a popish pretender. 2. That the Roman Catholic religion contained tenets which, in our day, no candid person attributed to it. Did those grounds exist at the present moment? As to danger, it was ridiculous to talk of it—the last miserable remnant of the unhappy race of the Stuarts was extinct. As to tenets, all enlightened Protestants concurred in the opinion that from them there was nothing to be apprehended. He asked, then,

whether, under these circumstances, the obnoxious law ought not to be repealed? Could the House, consistently with any principle of justice or policy, continue it upon the Statute-book? The learned earl had said that this measure was brought forward without securities—that it was the first time such an attempt had been hazarded, for that all who had hitherto contended for relief had always accompanied it with securities. He begged to be excepted from this statement; seeing that he had many years since stated it as his opinion, that the measure to be satisfactory ought to be unfettered with securities; that they were valuable rather in name than in substance, and that he looked at them rather as designed to reconcile public opinion than as being of any real importance. The noble earl opposite (Liverpool) had also over and over again said, that if he could reconcile himself to the bill at all, he could do so infinitely sooner upon its own distinct grounds, unincumbered with securities.—But, what the supporters of the bill were contending for this day was, not a general measure of relief, but a particular measure which was to restore Roman Catholic peers to their privilege of sitting and voting in parliament, which they had enjoyed from the Reformation to the reign of Charles 2nd. What securities were annexed to the exercise of this right at that time other than those which resulted from the undoubted loyalty of the individuals? "Then," said the learned earl "it will be an anomaly to admit Catholic peers into this branch of the legislature, and to exclude Catholic commoners from the other." To this he replied, that parliament might stop short here, as on other occasions; and that if it were an anomaly, it had existed from the time of Henry 8th to the reign of Charles 2nd. For his part, he should be most happy to see this anomaly removed; to see Catholics sitting and voting in the House of Commons; but he looked at this simply as a measure of restoration, and he found that in the earlier period of our history the enjoyment of the right had been attended with no danger to the Protestant succession. The learned earl opposed this bill, also, because he fancied it must lead to ulterior measures. Now, this bill stood on its own separate ground, and neither would retard nor promote the general measure of relief. The learned earl admitted that the legislature of to-day could not bind that of to-morrow. On what principle, then, was it contended, that this exclusion was so sanctioned by the parliament of the Revolution, that it could never afterwards be repealed. At the time of the Union, it was undoubtedly provided, that the lords should take the oath of supremacy, but only "until it shall be otherwise directed by the British parliament." But, when securities were called for, he would ask whether there were no acts standing emphatically upon the same ground as that now under consideration, in which no securities had been given? By the act of 1817 every rank of the army and navy was laid open to the Catholics. He had reason to remember something of that statute, for when, in 1807, a feeble attempt was made to accomplish the same object, it was resisted by the learned lord and others, who represented its supporters as the enemies of the constitution. The power of the sword then only was talked of. Yet, in a few short years afterwards, this very power was given by those who had raised such a clamour against it, and without the exaction of any securities. Having thus opened the army and navy unrestrictedly, he put it to the House, whether the dangers arising from six or seven Catholic peers of illustrious descent, having seats in that House, and whom their opponents acknowledged would be the ornaments of any assembly, was not chimerical? When it was asserted, that the bill must lead to farther consequences, he would ask, how did the experience of the act of 1817 justify that assertion? If the bill passed the general question of relief would be brought on; if it did not pass, the general question would still be brought on, and at no distant period; but he could not see how the general measure would be affected by the result of this motion, in any other way than because it was founded on the same large principles of justice and policy.

The Earl of *Liverpool* said, it was on every account desirable to discuss this bill on its own merits, with as little reference as possible to the more extended measure. The noble earl had said, that this bill was not meant as a step to the general question. Supposing, then, it were to exclude that general question, he would ask whether it was fit, if it passed, that nothing else should be done? For no measure could be more mischievous to the Catholics than passing this bill, if it were not intended to go further. Those, therefore, who had hitherto been most favourable to

concession, ought to be the firmest in their resistance upon the present occasion. Before he stated his specific objections to the bill, he wished to say a few words on the general history to which the noble earl had adverted. No man could hold the conduct of Titus Oates and the popish plot in greater abhorrence than himself; they only afforded an additional instance of the melancholy effects of faction, confounding the understandings and perverting the feelings of its dupes. Before, however, he came to that date, he would shortly look back to the real state of the country, as to Catholics and Protestants, in the anterior part of that century, and the century before. In the reign of Edward 6th was begun the great work of Reformation by some of the most pious and able men of this or any other country. Its progress was unfortunately arrested by the premature death of the sovereign; for that the Protestantism of the Crown would otherwise have been established, was evident from some of the events towards the close of that reign. On the accession of Mary, a complete revulsion took place, and the Protestants endured the most cruel persecutions; but when Elizabeth came to the throne, the Protestant religion was again established. From that date down to the Revolution, the question was never looked at in a general way, as to the connexion between church and state. This fact really solved a great deal of difficulty, and unravelled much mystery; for, up to the Revolution, though the church was Protestant, the sovereign was not necessarily so. No law was in existence compelling the sovereign to be Protestant—preventing his marriage with a Catholic, or giving that great security to the Protestant establishment of the realm, that the king should be a Protestant. What had been the effect? That James 1st, that infatuated monarch, though sincerely and zealously a Protestant, had used his utmost endeavours to marry the heir apparent to a Catholic princess. No event could have been more unfortunate for the kingdom than the marriage of Charles 1st with the daughter of Louis 14th. He mentioned this circumstance to show that the question of the connexion between church and state had then never been fairly examined. He believed it might truly be said, that much of the blood spilt in the course of 150 years was to be attributed to the want of a legal connexion between the church and the state. Catholic peers were not then excluded; and why should they be excluded, when even the king might himself be a Catholic?—Coming down to the reign of Charles 2nd, he had already intimated his opinion regarding Titus Oates: but it was no answer, to say, that the violence of faction at that time led to great crimes which ended in certain laws; those laws might be good and necessary, however flagitious the events out of which they had risen. Some of the best laws on our Statute-book were passed in the reign of the most cruel tyrant that had ever sat upon the throne of England. It did not follow, therefore, that because conspiracy was the immediate occasion of the laws, the laws themselves were not necessary. He would put Oates and the Popish plot out of the question, and ask whether, in the reign of Charles 2nd, there did not exist a conspiracy to overturn the religion and constitution of the country, and with that conspiracy a necessity for this or some other security and safeguard? In former debates, he had always considered this an admitted point; and undoubtedly, whether the law now complained of was or was not a proper one, there were circumstances in the times requiring strong measures. He was ready to allow that it might at the time have been very plausibly urged, that if this principle of exclusion were applied to the peerage, it ought also to be applied to the Crown. But, what was done at the Revolution? And here he could hardly suppose that the noble earl would contend, that the plot of Titus Oates had any influence upon the measures then adopted. The great blessing of the Revolution was, that a change of the dynasty led to a complete review of the whole system. What was done at the Revolution ought, in fact, to have been done at the Reformation—then it ought to have been provided, that the king and his parliament should both be Protestant. Surely the Catholic peer had no right to complain of not being allowed to sit and vote, when, supposing the king from conscientious motives were to change his religion, he must descend from the throne of his ancestors. He should feel difficulty in saying to the duke of Norfolk, or to any Catholic peer, all of whom he highly respected, that he had no right to be placed upon a better footing than the king upon the throne. The exclusion from parliament was not personal; it was the law of the land. Such was the ground

he had always taken on a general view of the subject; he had always stood upon the connexion between church and state, Protestantism being the principle of the law. While it was maintained against the Crown, it must be maintained against what the Scotch act of Union termed "the other estates of the realm." His learned friend had truly stated, that this principle of the act of Charles 2nd was renewed and confirmed at the Revolution—in the act of Union with Scotland—in the act of Settlement—and during the reigns of George 1st and 2nd. It was renewed and confirmed also in words; which, though they could not make an act of parliament eternal, showed that it was considered one of the essential and fundamental laws of the realm. He put it to the noble earl opposite, whether it was not clear that our ancestors meant it to be a law, not subject to any ordinary changes? The noble earl had said, that the supporters of this bill wanted nothing new—that they only required that the Catholic peers should be replaced in the situation they occupied, from the reign of Elizabeth to that of Charles 2nd. What did the history of that period present? That under this old system, in the absence of all security to the church, there were 150 years of convulsion and bloodshed: while, subsequent to the date of this security, and under the new system, the country had experienced 150 years of religious peace and happiness. With the advantage of such experience, was it fit again to put to sea, to incur all the dangers to which the nation had so long been exposed? He was to be told, no doubt, that times were changed, and that no dangers were now to be apprehended; but who, in the year 1630, would have supposed that in less than twenty years the monarchy would be abolished, and the House of Lords annihilated, after the bishops had been excluded from their seats? Who could foresee what in future might happen, not from the Roman Catholics perhaps, but from other quarters, if this security, which time had proved to be so valuable, were at once abandoned? With it the country had enjoyed religious tranquillity; and to dissolve the connexion between church and state would be, to say the least of it, to risk the continuance of that tranquillity.—He now came to the bill, to which he objected upon various grounds. In the first place, while it sacrificed the great principle of participation in the legislature, it did not set the question itself by any means at rest. When his right hon. friend (Mr. Plunkett) last year brought in his bill, it was with the avowed object of a final adjustment. He (lord L.) had resisted it. Some might think, as it would be the termination of a subject that had excited much feeling, it would be proper to run a risk, and to make a sacrifice: but what could they say to this bill, which left the great and irritating subject as open to discussion as before? He objected to it on principle, also, on this ground:—If the time should ever come when Catholics were admitted into the House of Commons, then no doubt the doors of this House ought to be opened to Roman Catholic peers; but the objection was much stronger when it was proposed in the first instance to introduce Catholic peers into the House of Lords. If there were any thing in the constitution of that House, it was this—that it was the great repository of religion and law. Its members were called together by their writs of summons, "to deliberate on affairs of church and state." The House was most intimately connected with the established church, and both in theory and principle, it must be, to the last degree, objectionable to admit into it those, who, by their religion, were hostile to that church. On the subject of securities, he must remind the House how it stood. —Last year the bill of his right hon. friend had, by consent, been divided into two parts; but it was agreed that they should proceed through their stages *pari passu*; and if the securities were rejected, the privileges were to be withheld. How, then, could the House now pass so material a part of the whole measure in the absence of all securities? If, indeed, securities were needless, let parliament have done with the farce; that point being given up, the question was stripped of many difficulties and absurdities.—He had another objection to the bill, founded upon the exclusive nature of its provisions. The subject had now been discussed for more than twenty years, and as a strong argument in favour of concession the peculiar state of Ireland had always been urged. It had been urged upon every occasion, that it was fit to remove the exclusion for the sake of soothing the people of Ireland. There was not a single Irishman who would directly receive any benefit from this bill, the principle of which applied only to English Catholic peers. If he

could argue the present as a general measure, he might concur in considering it as one which might be beneficial to the Irish nation. But if he were to argue it as a specific and isolated measure, could any thing be more galling to Irish feeling, than that such a concession as this, was to be made to English peers of the Roman Catholic persuasion, while Irish peers of the same faith were excluded from its provisions? But he had another objection. He conceived, that the showing this favour to Catholic peers, without extending proportionate advantages to Catholic commoners, would not redound much to the honour or the credit of the peers themselves. Such a partial distinction would be obnoxious to every principle of equity. He was ready to admit, that in the reign of Elizabeth, the Catholic peers had a right to sit in that House, while the other members of the great Catholic body were not eligible to sit in the lower House of parliament. But if their lordships considered how little the Catholic commonalty were then known as men of influence or property, they could not esteem it as matter of surprise, that this difference was observed. But on what principle could it rest now? He had been always taught to believe, that though the possessions and privileges of the different classes of the British community might be different, yet their respective rights to them were the same. He had been taught to believe, that in this country, the right of a poor man to his hut or his cottage, was the same, and was as binding, as that of any of their lordships to his mansion or his castle. He had been ever instructed, that the right of a magistrate to exercise his functions within the borough or jurisdiction which the law assigned to them, was as good as that of the king to his throne; and he maintained that this equality of right, so far from weakening the title of the rich man to his possessions, was, in effect, its greatest security: for the rights of rich and poor stood all of them on the same principle. Though the property might be of different value, the rights were alike. This reasoning he begged to apply to the case before their lordships. He should say, that the right of a commoner to be elected was of the same force as that of a peer of England to sit in the House of Lords. Both rights, indeed, might be explained and qualified for the public benefit, according to the wisdom of the legislature. Both rights might have conditions put upon them: thus tests might be attached to one of them, but not to the other, if the distinction should appear to be justified on public principles. But on what principle could their lordships say—"We will not object to a peer's sitting amongst us, though he does acknowledge a foreign jurisdiction in some matters of spiritual concern; but we will object to a commoner's sitting in parliament, under similar circumstances?" Could any thing so invidious, so monstrous, so unjust as this, be successfully proposed in modern times? Was it not the boast of our aristocracy, that though they possessed high privileges, they were so possessed for the benefit, and not for the injury of any man? If their lordships looked to the nature of the duties and privileges which belonged to them, they would find that the concerns of religion were especially theirs. Now, if it was the right of any branch, surely it was the right of that branch of the legislature above all others, to require from its members some test that they were attached to the established church. The noble lord had said, that it was right to pass this bill, even if they did not go farther in the business. Now, he firmly believed, that a more serious evil could not befal the country, than to pass the bill, even assuming that their lordships should proceed no farther; that if they should pass this bill, and then take their stand against farther Catholic concessions, it would, in that case, still be the most impolitic and mischievous measure imaginable. What could be a more invidious concession, than a favour of this sort specially to the Roman Catholic peers? On every ground, he objected to this bill. It was not calculated to effect any certain advantage; it settled nothing; it left the whole question precisely where it was before. It did no good to that great interest, the welfare and protection of which had hitherto been assigned as the grand objects with which the general question was brought forward. All that it offered was, a most unwise and invidious distinction between the peers and the commonalty of a particular church. He called not merely upon those who were in the habit of opposing the general measure, but upon those who supported it, to look well to the present bill, and to consider, before they gave it their support, whether any benefit was likely to result from it—

whether they were strengthening their ground with respect to the discussion of the general question—or whether they were not in fact beginning at the wrong end? The question into which the consideration of this measure must ultimately resolve itself was, whether Roman Catholics generally should be admitted to a share in the legislature? On this point, he had already given his opinion. He thought that the concession of such a privilege would be most impolitic and dangerous; but to confine it, as this bill proposed to do, to Catholic peers, and to exclude from all participation in it the Catholic commonalty, would be equally dangerous and impolitic, and infinitely more inequitable and invidious.

Lord *Grenville* said, that his noble friend had called upon those who, on former occasions had been the friends of the general measure, to consider whether any advantage could be derived to it from the success of the present bill. As one of those who had always been favourable to the concession of the Catholic claims, he answered, that, from passing this bill, the greatest of all benefits would accrue—the benefit of doing justice. In comparison with this, he set at nought all which they had heard in the way of precedent and authority; all the statements and the documents which had been quoted; all the penal enactments for which the Statute-book had been resorted to. His answer to all this was, "Be just, and fear not." If it was true, that six individuals only were aggrieved, or that this bill was even brought in to meet the case of one individual, and whether that individual was the highest or the lowest in the country, in such a case he should say, as he now said—their lordships were not at liberty to legislate upon what next might come to pass, or to speculate, hypothetically, upon what measures they were to take in consequence. Let their lordships hesitate as they might, here it was impossible that they could stop. With respect to the general question, his opinions upon it were borne out by those of the wisest men of this age. Their lordships had it in their power, by looking at it in its true light, and by divesting their minds of all that visionary terror which had that night been attempted to be thrown around it—to confer upon the British empire the greatest imaginable benefit. This question he viewed as a question of distributive justice. There were two grounds, and two only, upon which it was possible, by any power or authority known to the constitution of this country, to divest a peer of England of his right to sit and vote in that House. The first was, the conviction of a peer of any offence, of such enormity as might seem properly to incur this penalty; the second, such a ground of overwhelming state necessity as might justify the taking away from a peer the hereditary and constitutional rights in question—rights which were as clearly defined, and in principle as inviolable, as any that could be devised. He repeated, that this was not a question of what was proper to be done, as to the precautions to be taken. He contended that it was not competent to noble lords to view it in any such light. He was speaking in an English House of Lords, in which every peer had a right to say,—"I sit here by a privilege which I hold—not as a matter of permission or favour, but as a right, co-ordinate with the constitution itself, and not depending on the discretion of any one." The question, then, for their lordships was, whether the rights of those peers—rights which had been wrested from them by the grossest fraud and the most violent injustice—should or should not be restored to them? He felt himself bound to restore to these injured individuals the rights of which they had been most iniquitously deprived, upon evidence the most false and flagitious. His learned friend had asked, how they could so far infringe upon the law as to admit these Catholic peers into their House? But where was the law which excluded them? Admitted they might still be; but their admission would be accompanied by certain tests, which were so repugnant to the spirit of their faith, that no one would dare to propose them to a Roman Catholic. He denied, therefore, that any such consequence as had been anticipated would necessarily follow upon the admission of Catholic peers into that House. He well remembered to have heard it on a former occasion asserted, that to annihilate these tests would be to annihilate every distinction that existed in the state. But it was not the province of their lordships to press these strange doctrines, or to sanction these wild and sweeping propositions. He was disposed to think, on the contrary, that some of the most destructive principles which were now developing themselves out of

doors, and which kept the passions and the fears of men in a state of feverish anxiety, arose from similar vain and unstatesman-like attempts to reduce the whole operation of the British constitution under some of these sweeping maxims. He confessed that, whether this bill should pass or not, he was quite at a loss to know on what grounds noble lords could justify the continuance, even for one year longer, of those restrictions and disabilities which were at present imposed on so large a portion of the people.—Much had been said on the subject of securities; and to him it seemed that there existed in the minds of some noble lords that sort of idea, as if there were something in the abstract name of securities existing independent of those dangers against which they had originally been provided. When this measure was new, undoubtedly there existed a great desire to provide adequate securities to meet all possible dangers, if those dangers could be shown to exist. But he was free to say, that upon the best consideration of the subject, the wonderful changes which had taken place since the year 1801, had so completely altered his opinions about securities, as to induce him last year to declare, and the House would permit him to repeat the observation—"that if this bill had come up to the House in the form of an absolute and unconditional gift of political privilege, he should have given it his concurrence without hesitation, because he thought the concession proper in itself, because it was a measure of wise justice and true policy, and because the benefits it would achieve (though improved by the securities) would be such as to warrant the passing of the bill without them."* On the other hand, while he was perfectly willing to pass the bill without any securities, yet, seeing that a great many of his fellow-subjects thought differently on the matter, and being sensible of how great importance it was, whenever the bill might pass, that it should not be the triumph of one party of men over another, but rather the bond of conciliation between them, he thought, that if by the adoption of any securities that should not trench on the great principle of the measure, their objections might be removed, and their apprehensions quieted, it would be well to pass the measure with these additions.—His noble friend had objected that the present measure was not calculated to set the general question at rest. Undoubtedly it was not. So far from indulging any expectation of the kind, he earnestly entreated their lordships, if any one of them felt disposed to support the bill under an impression so false and mistaken, to dismiss it from his mind. Let such noble lords be assured, that where the policy and wisdom of a great measure were so evident, nothing but the full concession of it could set it at rest. Their lordships would inevitably be obliged to settle this important question at no remote period: What they must do at length, they might as well do without farther delay; for every day that the final settlement of the question was delayed, added to the embarrassment attending it. He could not suppose, that their lordships would take up an injurious opinion against illustrious and suffering individuals founded on the worst of authorities. Nor would they, with the noble earl opposite, while they professed themselves convinced of the perjuries of Oates, perpetuate the wrong which they had generated, because it might have been found convenient in practice. That memorable plot—the most detestable ever heard of—had subjected some of those individuals to the loss of life; others to the loss of property and rank; and their descendants to the loss of a privilege, the highest which in this country a man could enjoy. Their lordships, surely, would not say "This is indeed a wrong; but we will continue it, because our ancestors have permitted it." The injury being once acknowledged, the blame and dishonour of it must attach to their lordships as long as it remained unremedied. Their attention had now been called to it; and if, after the debate of that night, they permitted the mischief to remain unredressed, it was not Titus Oates, it was not lord Shaftesbury, it was not the profligacy of the minister of Charles 2nd, to whose account the injury must be laid; but it was to the House of Lords of the present day that the imputation must attach. The noble earl opposite had admitted the infamy of Oates, and had allowed the injustice of his accusations. "It is," said the noble earl, "an ugly stain to be sure; but look at the revolution, and those who achieved it. Did not they sanction this exclusion?" He (lord G.) admitted the fact. To those

* See Vol. V, p. 337, New Series.

persons the aggrieved parties might have looked for redress in time gone by: but it was for the noble lords whom he was now addressing, to reconcile to their own breasts, if they could, the injustice of permitting this persecution to exist one day more. He had no hesitation in saying, that, even under the circumstances which the noble earl had put, he could not allow that the liberties of the country had ever been endangered by the Catholics, not even under the impending danger of a popish priesthood and a popish succession. The best security which could be taken, our ancestors arranged during the reign of Charles 2nd, and adopted under that of James 2nd, by driving the latter from his throne, and thereby cutting off the hopes of himself and his posterity. In the agitation which ensued, it was not to be wondered at if they overlooked the injustice of perpetuating an odious proscription against individuals who were no parties to the acts which that proscription was intended to punish. The experience, not of the reign of Elizabeth or Mary only, might have proved their fidelity; but the reigns of James 1st, and Charles 2nd, showed, that whatever dangers might have surrounded the throne at any time, there was no moment at which any danger had arisen to it from the law of queen Elizabeth, which restored to Catholic peers their theoretical and positive right of sitting and voting in the House of Lords. Whatever dangers did exist, no security surely was ever obtained from excluding the Roman Catholic peers from parliament. If it was necessary to prove this, and to show what loyal and good subjects they were, he would advert to the manner in which the Spanish Armada, after alarming the fears of all Europe, was defeated and destroyed by these brave Catholic commanders who vindicated the ancient fame of England, while they sealed their fidelity to a Protestant mistress with their blood. This was a question of right to be done, which their lordships had too long delayed to do. It was because the question had been treated as one of expediency instead of one of distributive justice, that he had, contrary to his first intention, detained the House thus long in stating the grounds on which he should support the bill.

Lord *Redesdale* contended, that the right to exclude Catholics from the House of Peers, was as strong and as well grounded as that by which they were excluded from the House of Commons. One of the first duties of the legislature was, to protect the religion of the state; and yet it was now proposed to introduce into the highest assembly of the country, persons who must of necessity be hostile to that religion. The question was a simple question of expediency, and one with which neither right nor justice had any thing to do. If the law as it stood was a hardship upon the subject, in how much greater a degree was it a hardship upon the sovereign? The individual who filled the throne, was bound to be of the established religion of the country; but all that was demanded upon admission into the legislature was, that the individual should not be of the Roman Catholic religion. It would be as unjustifiable to introduce Catholic peers into that House, as it would be to take out of it a certain number of the bishops, and supply their places with persons adverse to the Protestant interest. And in what an anomalous situation did it place the sovereign? Catholics being once admitted into the legislature, the king might have measures tendered to him by his parliament to which his oath and his duty made it impossible for him to assent. If James 2nd could have prevailed upon his parliament to have sanctioned such a measure, he might have succeeded in overturning the constitution of the country. His firm conviction was, that if the present measure was carried, the Protestant establishment in Ireland must fall. He had no other dependence for the security of this great country, than upon a Protestant succession and a Protestant legislature.

Lord *Holland* said, that before he proceeded to answer the observations of those peers who had spoken against the measure, he wished the 71st standing order of the House should be read. [The order was accordingly read.—It provided, that no oath should be imposed, by bill, or otherwise, upon a peer, with penalty attached in case of refusal, that he should lose his place in parliament, or privilege of debating.] Placed upon the only footing on which the House could properly decide it, the question came precisely to this whether the time was come when it would be safe, just, or proper for the House to restore to their Catholic fellow peers the unconditional exercise of their privileges? It stood recorded upon the standing orders

of that House; that it was the undoubted privilege of the members of that House, to exercise their rights without any condition at all. To debar peers in any case from the exercise of those rights, was a departure from the declared constitution of the country, which could only be justified by absolute necessity. The *onus* of showing that necessity was cast upon those who objected to the present bill. Those who opposed the right were to show the danger attendant upon its exercise; it was not the advocates of the present measure who were bound to show that the danger did not exist. It had been said by noble lords, that the passing of the bill would involve an anomaly in our parliamentary system. What! talk of an anomaly in that system which was an anomaly throughout? Were not Presbyterians already admitted to privileges in Scotland which the law prevented them from enjoying in England? Did not the Catholics of Ireland enjoy rights which were not enjoyed by the English Catholics? But the learned lord upon the woolsack said, that if the bill was passed—a bill which was to admit into the House six of the most respectable persons, whom even their opponents had scarcely been able sufficiently to praise—he should think that he had out-lived the laws and constitution of his country. The mischief which these six peers were to do was incalculable—they were to produce a bull from the pope, upon a sudden from under the table, and to destroy, at one blow, the religion and the constitution of the empire. Much stress had been laid upon another alleged anomaly—that the bill would introduce a qualification for the House of Lords different from that which was necessary in the House of Commons. A different qualification! Why, the qualification was different already. A reverend bishop might sit in the House of Lords, who could not sit in the House of Commons. Again, it was said, that if the measure was passed, the grant of the elective franchise to the Catholics must follow. Why, the Catholics of Ireland had the elective franchise already. Noble lords talked of dreading anomaly. Why, it was impossible to turn a step in the existing system without encountering the grossest anomalies. The noble earl opposite had treated the admission of Catholics to the House of Peers as still more objectionable than their admission to the House of Commons. "The House of Peers," said the noble earl, "were the great guardians of law and religion of the state; it was their duty to debate of matters connected with church and state." Why, the very same words which described the parliamentary duties of peers were found also in the oaths for members of the House of Commons. The learned lord upon the woolsack had stated, that no measure of the same kind had ever before been introduced. It was not astonishing that what had emanated from so humble an individual as himself should have escaped the recollection of the learned lord; but he (lord Holland), in April 1800, soon after the House enjoyed the advantage of the learned lord's accession, had moved to refer the act of the 30th of Charles the 2nd, and the act of the 1st of William and Mary, to a committee,* with a view to their being modified or repealed. Now, that motion had been met, not openly, by a negative, but with the previous question. And why had not the learned lord risen to put a negative upon the proposition altogether? Why had he endured to hear talk of future discussion upon a measure which was, to overthrow all the establishments of the kingdom? For himself, he set no great value upon securities; but if it were denied that securities existed, he should say, that the House had both technical and real ones. As the mother of the Gracchi, being asked for her treasures, pointed to her children, so he, if he were asked for his securities, should point to the sixteen Scottish peers, and to the right reverend body opposite to him. The bill before their lordships, whether they thought it founded in just policy or not, was, as it had been passed by the House of Commons, at least one which ought to be treated with grace and favour. The learned lord who spoke last had insisted on the necessity of securities, and what the learned lord had said on that subject reminded him of the securities which that learned lord had introduced into a bill for the relief of Roman Catholics. Let the learned lord look to his own bill for the securities he required. A clause in that bill contained permission to Catholic peers, on taking certain oaths, to approach the court and give advice to their sovereign. The 5th of Elizabeth, under which Catholic peers still continued to sit in the House of Lords, had passed under the declaration, that her majesty had other

* See Parl. Hist. Vol. 35, p. 161.

means of knowing the loyalty of her peers than she had of her commons. And so it might be said with regard to this bill, that the present sovereign had other means of ascertaining the loyalty and good faith of his peers. All that could be required from Catholic subjects was, that they should be good citizens. Their lordships would find this question illustrated by reference to the debates of that House in the reign of Charles 2nd. He would recommend to their consideration, an order which was introduced by lord Shaftesbury, and drawn up either by him or by Mr. Locke. A very considerable number of Catholic peers, about 19, took part in the debate on the Test act, on the side of lord Shaftesbury, against that unconstitutional measure, which passed in 1678. The recollection of the order he had formerly introduced in 1675 was then brought under his notice. It was said, "how come you to support measures so inconsistent?" Lord Shaftesbury did not deny the inconsistency, but observed, "leges posteriores anteriores abrogant." A noble baron had properly described the object of the act of exclusion. It was intended to guard against the danger apprehended from a popish king and a popish succession. In such times the enactment of such a law would have been proper, for the kingly office was a trust held for the benefit of the people; and the friends of liberty felt that they were in a situation which rendered such measures indispensable. King Charles, on the 9th of November 1678, stated from the throne, that he would accede to any precautions that parliament might think necessary, if they did not interfere with the Succession. It was then that the measure introduced by lord Shaftesbury was resorted to as a substitute. The learned lord omitted to notice different bills which had been passed about this time, and proceeded to the Bill of Rights. The Bill of Rights consisted of three parts: 1st, the assertion of ancient and immutable rights; 2nd, the declaration of what had been done in support of them; and, 3rd, some positive enactments for their future security. One of the charges against king James was, the disarming of Protestants and the arming of Papists. One of the ancient and indubitable rights thus violated was the right to take up arms. The learned lord said, that the Bill of Rights must not be touched; but did he admit this doctrine of resistance? The learned lord had quoted the words of king William relative to the Test act, but he had omitted the most important part of what was stated by that sovereign. He had said, that if the king of England was not a Protestant, he thought that bill could not be repealed. Did the learned lord, who contended that the Bill of Rights could not be violated, recollect that that bill declared that parliaments ought to be frequently holden. By "frequently holden," annual or triennial parliaments were meant. They were afterwards made triennial, and next came the septennial act, which was the greatest innovation ever made upon the Bill of Rights. The act of Settlement had also been referred to. By that act the king was not to go out of the kingdom. It was also provided, that no persons holding pensions from government, and no placemen, should be allowed to sit in the House of Commons. Had these provisions been adhered to? Soon after George 1st ascended the throne, the act of Settlement was repealed, by his being permitted to leave the country. An act of parliament was passed, appointing lords justices of the kingdom to act in his stead. After the king had left the country, it became a question whether the Test act might be repealed. The ministers were asked whether, in the case of a bill passing for that purpose, the lords justices would notify the royal assent to it. The answer was, that no opinion could be given on this subject. It was afterwards asked, whether they would give the assent to the act of Uniformity. The answer then given was decidedly in the negative. It appeared, therefore, that in the opinion of the government of that day, the Test act for which the learned lord so strenuously contended, was not considered in a constitutional point of view so fundamental a measure as the act of Uniformity. The preamble to the Test act states the object of that act to be, to give force and effect to the laws against Popish recusants. Now it happened, singularly enough, that almost all the laws to which the Test act was intended to give force, had already been repealed, and repealed, too, by a bill introduced by the learned lord who was so much attached to this Test act. He had always heard from the learned lord, that he considered these penal exclusions an evil, and one which was only to be justified by necessity. He had heard him say, that what necessity had created necessity should limit; then, if necessity had occa-

sioned the whole of the law, that part which did not apply to the circumstances of the present times ought to be repealed. The House had often rojected general questions for the relief of the Catholics, but this now came before them in a more favourable shape. There was no anomaly in the measure. The exclusion of Catholic peers, he had shown, was no fundamental part of the constitution of this kingdom. It was said, that the object to be gained was trifling; but he could not help thinking, that to the Catholic gentry of this country it would be a considerable gratification to see their religion represented in that House. The introduction of six or seven peers, although it produced no political alteration, would yet be of great importance in the way of conciliation. The noble lord on the cross bench (L. Colchester), professed great respect for the persons whom he wished to exclude. He was perfectly willing to concede to them the playthings and gewgaws of children; he would not deny them the honour of a ribbon to deck their shoulders, or the important privilege of marching at a coronation; he would grant them complete toleration, but no political power; as if there were any security for toleration in a government, where men were totally excluded from political power. Even the noble lord was far from being content with the present state of the law, for he admitted that it was full of anomalies, and while he produced his large dish of restrictions on the one hand, he had a little reserve of indulgencies on the other. There was a broad distinction between the principle on which the constitution had declared, that a Catholic was incapable of filling the throne of these realms, and that on which the functions of the Catholic peers had been suspended. In the one case, the parliament and the people of England had declared that no Catholic could exercise the functions of sovereign, but that he should be *ipso facto* degraded from the throne, and another man found to perform the office. Here there was no suspension or limitation of the functions of a Catholic king, but an absolute exclusion; whereas in the case of Catholic peers, their functions were only suspended because they did not comply with certain conditions. He had a right, therefore, to infer, that our ancestors at the Revolution had no intention to make this a permanent law, since they did not pass a bill of attainder to corrupt the blood of the Catholic peers, and deprive them of their civil rights, but merely left their functions in abeyance. Upon these grounds he gave his cordial assent to the motion.

The House then divided: Contents—present, 80, proxies, 49—129. Not-contents—present, 97, proxies, 74—171. Majority against the motion, 42.

List of the Minority, and also of the Majority.

MINORITY.

DUKES.
Sussex
Somerset
Grafton
Devonshire
Portland
Buckingham

MARQUISSES.
Lansdown
Bute
Downshire
Conyngham

EARLS.
Derby
Thanet
Essex
Albemarle
Jersey
Oxford
Dartmouth
Bristol
Cowper
Harrington
Darlington
Delawar
Grosvenor
Fortescue
Carnarvon
Rosslyn
Wilton
Grey
Harrowby
St. Germains
Morley
Bradford
Aberdeen
Elgin
Roseberry
Donoughmore
Lucan
Caledon
Gosford
Blessington
Darnley
Cork
Lauderdale
Cassillis
Limerick
Ormonde

VISCOUNTS.
Melville
Gordon
Granville
Clifden
Downe

BARONS.
Clinton
Dacre
Howard of Eff.
Howard of Wal.
Say and Sele
King
Grantham
Holland
Ducie
Foley
Berwick
Braybrooke
Amherst
Gage
Grenville
Auckland
Dundas
Stewart, of Gar.
Calthorpe
Dunstanville
Lifford
Alvanley
Ellenborough
Erskine
Crewe
Stewart
Cawdor
Maryborough

BISHOP.
Norwich

Proxies.

DUKES.
Bedford
Brandon
Leinster
Argyle

MARQUISSES.
Wellesley
Stafford
Anglesea
Queensbury
Tweedale
Sligo

EARLS.
Suffolk
Carlisle
Waldegrave

Guildford
Hardwicke
Ilchester
Spencer
St. Vincent
Mulgrave
Minto
Somers
Charlemont
Wicklow
Suffield
Kingston
Carrington
Carysfort
Granard
Breadalbane
VISCOUNTS.
Hereford
Bolingbroke
Duncan
Anson
BARONS.
Ponsonby
Melbourne
Sondes
Hawke
Ashburton
Sherbourne
Yarborough
Abercromby
Gwydir
Glastonbury
Hutchinson
Lynedock
Hill
Churchill
Belhaven

MAJORITY.

DUKES.
York
Richmond
Beaufort
Rutland
Northumberland
Montrose
Wellington
MARQUESSES.
Winchester
Bath
Cornwallis
Exeter
Northampton
Lothian
Ailesbury
EARLS.
Pembroke
Bridgewater
Denbigh
Westmorland
Stamford
*Winchelsea
Cardigan
Shaftesbury
Plymouth
Scarborough
Aylesford
Bathurst
Abergavenny
Talbot
Digby
Mansfield
Liverpool
Romney
Powis
Manvers
Lonsdale
Harewood
Verulam
Whitworth
Brownlow
Eldon
Farnham
Belmore
Courtown
Aboyne
Glasgow
Enniskillen
Wemyss
Longford
Falmouth
Kinnoul
VISCOUNTS.
Torrington
Hampden
Sidney
Sidmouth
Lake
Exmouth
BARONS.
Willoughby de Broke
Bolton
Dynevor
Walsingham
Bagot
Montague
Kenyon
Selsey
Rolle
Bayning
Bolton
Northwick
St. Helens
Redesdale
Arden
Gambier
Combermere
Harris
Colchester
Glenlyon
Ravensworth
Stowell
Delamere
Rocksavage
ARCHBISHOPS.
Canterbury
Dublin
BISHOPS.
London
Worcester
Bangor
Lincoln
St. David's
Salisbury
St. Asaph
Ely
Chester
Oxford
Llandaff
Exeter
Ossory
Clonfert.

PROXIES.

DUKES.
Clarence
Marlborough
Dorset
Manchester
Gordon
Newcastle
MARQUESSES.
Salisbury
Thomond
Ely
Cholmondeley
EARLS.
Huntingdon
Abingdon
Rochford
Coventry
Poulett
Ferrers
Stanhope
Macclesfield
Pomfret
Portsmouth
Buckinghamshire
Harcourt
Radnor
Strange
Mountedgecombe
Malmsbury
Craven
Chichester
Nelson
Norwich
Cathcart
Beauchamp
Howe
Stradbroke
Home
Kellie
Balcarras
Carrick
Mayo
O'Neill
Charleville
Morton
VISCOUNTS.
Dudley and Ward
Maynard
Middleton
Tyrone
Arbuthnot
Carleton
BARONS.
Le Despenser
Audley
De la Zouche
Vernon
Rivers
Rodney
Douglas
Brodrick
Wodehouse
Ribblesdale
Manners
Beresford
Oriel
Forrester
Saltoun
Napier
BISHOPS.
Durham
Winchester
Chichester
Carlisle
Gloucester
Peterborough
Bristol.

HOUSE OF COMMONS.

Friday, June 21.

WAREHOUSING BILL.] Mr. *Wallace* moved the order of the day for considering the report of the Warehousing bill, for the purpose of postponing it till next session. He wished it to be distinctly understood, that he had been induced to postpone this measure solely in consequence of the advanced period of the session. He was fully convinced, that the adoption of the measure was likely to produce the most advantageous results to the manufacturers, and to every class of the community; and he felt it his duty to give a distinct pledge, that he would take the earliest opportunity in the next ses-

sion of submitting it to the consideration of parliament.

Mr. *Ricardo* expressed his regret, that the right hon. gentleman had been induced to postpone this measure. He hoped he would take into his serious consideration the state of the silk trade, which was now labouring under peculiar disadvantages, and which might compete successfully with foreign countries, if the present high duties, which gave so much encouragement to contraband traffic, were reduced. The Spitalfields act was another grievance to which this trade was exposed, which he hoped government would see the necessity of repealing.

Mr. *Ellice* agreed in the necessity of reducing the duties on the raw material, in order to enable the silk manufacturer in this country to compete with the foreigner.

Mr. *Wallace* said, that previous to the next session, the silk trade would become the object of his most serious consideration. He agreed that at present the trade was suffering under peculiar privations, not one of the least of which was the being debarred the advantage of free labour.

The further consideration of the bill was put off for three months.

EMPLOYMENT OF THE POOR IN IRELAND.] The House having resolved itself into a Committee of Supply,

Mr. *Goulburn* said, that at so late an hour, and so perfectly conversant as hon. members must be with the grounds upon which his present motion was brought forward, he should not detain the House with any statement of the reasons that induced him to submit it, but should simply move, "That a sum, not exceeding 100,000*l*. be granted to his Majesty, for the Employment of the Poor in Ireland, and other purposes relating thereto, as the exigency of affairs may require." Agreed to.

HOUSE OF COMMONS.

Monday, June 24.

INFLUENCE OF THE CROWN.] Mr. *Brougham* rose to submit his promised motion on this subject. He began by observing, that the House had now for the last six years been engaged very laboriously, and he would not say altogether unprofitably, for the country, but he wished he could add more beneficially, in inquiries concerning the immense and overgrown establishments of the country; and the principal object of these inquiries had been, to see how the pressure of the burthens on the people, occasioned by those vast establishments, could be reduced. It was not unnatural, under the wide-spread and almost unbearable distresses of the country, which had attracted attention to the inquiries into the expenses of those establishments, that their pressure should be viewed only in the light in which they had been complained of by the people. But it appeared to him that, without condemning the manner in which such inquiries had been conducted—without casting blame on those who had been engaged in them, and still less upon the people from whose complaints they originated, there was one view in which our immense establishments had not been, but in which it was of the utmost importance that they should be, considered; and he did think that the House would ill discharge its duty, if they suffered the session to close without adverting to those vast establishments in their effects still more pernicious than those complained of. While we had considered their effects upon the burthens of the people, we had omitted to notice their operation on the influence of the Crown—an influence which, while it daily increased, proportionably diminished the influence of the people, and weakened the means of preventing the recurrence of those abuses into which we had been falling for so many years. It was to supply this defect, and it was the only one with which he could charge his side of the House, that he took the liberty of giving notice of the motion which he now proposed to submit to the House.

He should commence by calling upon the clerk to read the resolution of the House of the 6th of April 1780, did he not know that the subject of that resolution was so familiar to the minds of members, that it would immediately recur to them the moment his motion was mentioned. He proposed to compare the influence of the Crown as it had grown since that period, when the House of Commons felt itself called upon to declare, that "the Influence of the Crown had increased, was increasing, and ought to be diminished;"* and he trusted that

* For Mr. Dunning's Motion on the

before he sat down he should be able to prove, from what had occurred since, that cogent reasons existed for adopting the example of our ancestors, and following it up by legislative enactments. He supposed he should be met in the outset by one of those declarations which he had so often heard repeated of late. It would be asked—"What! are gentlemen so unmindful of the duty they owe to the House, to their constituents, and to the country—are they so regardless of their consciences, as to vote, because they hold offices in the state, differently from what they would do, if they were out of office?" It was looked upon as quite an absurdity to suppose, that gentlemen of such high character would allow the paltry accidental circumstance of their holding places of emolument, honour, and power, to influence their votes on any question which might come before that House. "What!" it was asked, "have they no consciences, no regard for duty? Are they such slavish votaries of wretched pelf, or tinselled power, as to lose all regard for the high duties of their situation—to be unmindful of what was so dear to public men, their character—as to forget that moral probity which even humble men in the discharge of a parish duty were bound by, and do in that House what could not be attempted elsewhere with impunity?" In the discharge of the duty which he was now performing, he had no wish to violate the rules of the House, which forbad him to impute improper motives to any member. With the private character and personal conduct of individuals, he had no concern; but standing there to state his impressions, his duty did not allow him to disguise the fact, that the placeman leaned to those from whom he derived his place, that the pensioner bowed to the source of his wealth; and that upon the one and the other, as long as those inducements lasted, so long would they have a powerful influence; and he spoke the language of the constitution when he said, that placemen were objects of distrust, and that the principles of our constitution, and the usage of parliament, had proscribed them as such. The better language of parliament had been at all times the opposite to that to which he had alluded; and, until the last four or five years, we had no instance of a minister of the Crown being squeamish enough to complain of the remark, that the influence of the Crown, in giving away places, had a powerful effect on the minds of many in and out of that House—that it ought to be viewed as an object of constitutional jealousy, and that the conduct of placemen ought to be narrowly watched, their principles counteracted, and their numbers diminished as much as possible.

Against such squeamish complaints he would refer to the language of the House itself, and particularly in former times. It was stronger than any he had used, and indeed it would be considered in the highest degree indelicate, were he to use it as from himself, but still he would refer to it for the purpose of refreshing the recollection of hon. members on the subject. He would in the first place refer to a resolution of the House passed soon after that of April 1780, by which it called upon the Crown for an annual account of all sums of money paid to members of parliament: the resolution stated, "that for preserving the independence of parliament, and obviating all suspicions of its purity, it was fit that such a return should be made annually:" thus admitting, that the independence of parliament would be endangered, and its purity become suspicious, by the admission of placemen and pensioners. He would next refer the House to the statute of the 22nd of the late king, by which contractors were prevented from sitting in parliament; and the ground was, in order to secure the independence of parliament. What could have been the object of such an act if it was not saying on the part of the legislature—"You are contractors" (as he now would say to another description of members "you are placemen and pensioners,") and, as such, it is not fit that you should have a seat in the House of Commons, because your conduct there is likely to be influenced by your situation, and you are likely to become so much the less independent members of parliament, as you are the more dependent upon the Crown." This was, in effect, the language addressed by the legislature to contractors; and its principle was in every respect applicable to placemen and pensioners.—He would now refer to another case, with which the House were already well acquainted—the celebrated act of Settlement. In that act

Influence of the Crown, see Parl. Hist. vol. 21, p. 340.

provision was made, when the Brunswick family came to the throne, that no placeman or pensioner should continue to sit in the House. This part was afterwards altered, and the 6th of Anne substituted, by which pensioners were exempted; but this was again altered in the reign of George 1st, and the exception extended only to pensioners for a term of years; "to the end," said the act, "that the act of her late majesty might not be violated, and that the honour and independence of parliament might be secured." Such was the language, and such the doctrine of parliament, in some of the best periods of our constitution. Not to weary the attention of the House with too great a detail of cases, he would refer only to one more. It was the celebrated resolution of the House in 1693, when an act—the Place-bill, which had passed both Houses, was rejected by the Crown. Soon after, the House of Commons, by a large majority, came to the resolution, that "whoever advised the king not to give the royal assent to a bill which was to redress a grievance, and take off a scandal upon the proceedings of the Commons, was an enemy to their majesties and the kingdom."* So that, in place of that affected delicacy and fastidiousness which now existed on these points, our ancestors in the best period of the Revolution, did not hesitate to declare, that the mere possession of place was incompatible with the independence of parliament: and with this feeling they declared, that those who had advised their majesties to refuse assent to the act founded upon that principle, were enemies to the Crown and to the parliament, by advocating the continuance of that which was a scandal to it.

Having thus defended and justified his conduct in bringing forward this measure, by precedents drawn from the best periods of the constitution, he would now call the attention of the House to the question of the increased influence of the Crown; and this would be best done, by taking a view of the increased means of patronage which had accrued from the increase in the revenue and income of the country since the passing of the memorable resolution in 1780. The whole expense of our civil establishment at that time did not exceed 1,130,000*l*. The country was then in the midst of a most expensive war, and the whole charge of army and navy was about 1,100,000*l*. or 1,500,000*l*. The whole of the expenses at that period, including two millions and a quarter for Ireland, was not more than 18,000,000*l*. He would not go into the details of our expenses at the present day. These had been so frequently discussed, and were now so well known and admitted, that there could be no mistake or dispute as to their total amount. He would take it, then, that exclusive of the interest of our debt, and the expense of our colonies, our civil and military expenditure amounted to 27,000,000*l*. and a quarter. It would appear, from papers laid on the table of the House, that in Malta, Ceylon, Trinidad, and the Ionian Islands, there arose a revenue of about 900,000*l*. a year, applied to their own government, in addition to what they cost this country. To this might be added something for the colonies conquered since 1792. For the whole he would add 1,000,000*l*., making, with the sum already mentioned, an amount exceeding 28,000,000*l*. of expenditure at the present time, instead of the 18,000,000*l*. in 1780. The first thing which must strike the House in this comparison was, that this establishment of 28,000,000*l*. was a peace establishment, and the 18,000,000*l*. of which he spoke was the whole of an expensive war establishment. But it was not the whole amount of that establishment of which the House of Commons complained when it passed the resolution of 1780; it took into consideration only so much of it as could be fairly said to be the permanent amount of a peace expenditure. That was estimated at about 7,000,000*l*.; and one ground of complaint was, that it had increased from 4,000,000*l*. or 4,500,000*l*. to upwards of 7,000,000*l*. Let the House, then, take the 7,000,000*l*. of 1780 and compare it with the peace expenditure of this year, and they would find it increased just four-fold. Now, in considering how the influence of the Crown had been increased by this quadruple increase of the means of patronage at its disposal, reference should be had to the increase in the number of persons holding employments and deriving emoluments from those increased means; and from this comparison the House would see how much more reason it now had to complain of the influence of the Crown in an increased revenue of from 7 to 28 millions, than existed at the period when an ex-

* See Parl. Hist. vol. 5. p. 830.

penditure, increased from 4½ to 7 millions, had been made the subject of such a resolution. He would make one admission. He knew it would be said, and he did not mean to deny it, that the same amount of money did not operate so powerfully at the present moment as it did in the former one to which he alluded. He would grant, and it was as much as could be demanded, that two pounds in the present day were not more than equal to the value of one in 1780. Even admitting, then, that the revenue of that day might be doubled, there would then be 14,000,000*l*. as compared with the 28,000,000*l*. of the present day. Let the House now look to the difference of the military force employed by government at the two periods and they would find the same proportion kept up. Even during that period of most expensive war, the greatest number of English troops employed did not exceed 35,000 men. He was aware that the subsidiary forces taken into pay, from six or seven of the minor German powers, amounted to about 30,000; but, as the influence of the Crown to be derived from the employment of troops was only exercised towards Englishmen, he could not look upon the promotions amongst the troops of the Langrave of Hesse stationed in America, as any addition to that influence. But to come to the comparative statement. In 1780, we had 2,000 military officers; at present we had 19,000 on half and full pay. In 1780, we had about 1,800 naval officers; at present we had about 500 or 600 on full pay; but to these we should add 7,800 on the half-pay. Thus, in 1780 the whole number of our naval and military officers did not exceed 3,800, while in the present year they amounted to 27,000, half and full pay altogether. Was it nothing, that we should have 19,000 officers of the army? Was there no patronage in the power of taking them from the half to the full pay, and promoting them when on full pay? And when he saw the conduct recently exercised by ministers towards an officer on half-pay who was dismissed without trial or accusation, he thought he had a fair right to carry to the influence of the Crown, if not the whole, the greater part of the half-pay of officers. And here he would ask, when government exercised a control over so many gentlemen of rank, and family, and influence in the country, many of them with relatives in the House, several possessing seats in parliament themselves, whether a government with such a power, and only responsible to a House so constituted, did not possess too much influence; and whether such a body, so controlled, was or could be a safe one for the constitution of the country?—Another head of patronage and influence was derived from the increased number of our colonies. We possessed 19 colonies more than we did in 1780; but as several had been restored at the peace, he would say we had 12 more. Was there nothing, he would ask, in the patronage derived from the civil and military appointments in those colonies? On merely taking the staff appointments as they had increased in the colonies, and not in the empire at large, he found that there had been added, since the period in question, no less than 150 places, for the government to give away exactly as it thought proper. The number of the civil places in the colonies had increased in proportion. In six colonies there had been an increase of 500 civil places, in the interval between 1791 and the present time. Now, if to this number were added the increase in the same colonies since 1780, it would be found that the increase of the civil and military appointments in the colonies alone (and by military appointments he meant only staff appointments, and excluded all the common regimental appointments), had placed above 800 new places in the patronage of government. This increase, he begged the house to recollect, had taken place in one single department of the state: it was a mere accession to the colonial establishments of the country: it was independent of all other increase whatsoever, either in the collection of the revenue, or the care and management of the debt, or the board of commissioners for auditing the public accounts, all which ramified again into many branches of official places, clerkships, messengerships, &c., numerous beyond all that he had stated: it was independent, he said, of all that which he might call the trunk of the system, whose growth and progress they were now called upon to consider. Never ought the House to forget that in this single branch and offset there had been placed beyond the control of parliament, and in the uncontrolled, unexamined, and unexaminable disposal of the Crown, patronage to the amount of 800 employments, and that,

too, of the most tempting nature that could be offered, either to those who held, or to those who desired to hold, political influence. Now he asserted, that if a comparison were drawn between the increase of the influence of the Crown in the colonies in 1780, above its influence at any previous time (taking into consideration all our empire in the East and West Indies) even in 1630, when we had no colonies at all, and its increase in the interval between 1780 and the present time, the amount of all the offices which existed in the former of those two periods would shrink into nothing when compared with this one item, which was the true and real measure of the increase of the patronage of the Crown in the colonies since 1780. Indeed, if they looked at the old colonies of Jamaica and Barbadoes, their whole patronage shrunk into nothing when compared with the enormous amount he had just mentioned. The patronage of the East India Company he considered to rest upon certain peculiar circumstances of its own. There could be no doubt, however, that to a very considerable degree the Crown enjoyed it; and he trusted that when they recollected the good understanding that existed between the court of directors and the government, and that by the changes made in the constitution of the company in 1786 and 1793, it was placed more under the control of the government than it was at the end of the American war, they would see, that the consideration of the whole of the affairs of that company was not indifferent to the present question. He had in his hand an account of the average number of appointments in the East Indies, for the three years previous to 1792, as appeared from certain returns made to the House. The average number of all the appointments to that quarter at that time, in cadetships, assistant-surgeonships, and writerships, was 133; for the year 1820, and for that year alone, the number was 527. Now, all these appointments ought to be considered as affected by the indirect influence of government, since it must be quite clear, to any person who looked at the close connexion existing between the East India company and the administration of this country, that no individual obnoxious to the government would ever be admitted to any one of them. Leaving, however, this indirect influence he would proceed to state what was the direct influence derived by the Crown from the patronage of India. It was this—that the British government should be allowed to dispose of 1-14th of the whole patronage of India; in other words, that it should have a share in it equal to two directors; for instance, the chairman and deputy chairman of that court. He believed that this arrangement had no existence in 1792; but allowing it to have existed, it would have thrown the patronage of nine appointments into the hands of the government of that day. It had actually thrown into their hands the patronage of 38 appointments in 1820, being an increase of full four-fold. Now, when compared with the 800 places which he had previously mentioned, those 38 places appeared very moderate indeed: they were, however, still of such importance as to deserve the consideration of the House. To vest in the hands of government 38 places, which were then vacant, and were to be filled up during the current year, was not like vesting in them 38 places generally. If they were to reckon one-tenth of the places generally disposable by government to be vacant in the course of a year, then these 38 or 40 places, as he would call them for the sake of round numbers, falling vacant in one year, would be equal to 400 places placed generally at their disposal: and the government had thus obtained from these two branches alone appointments to 1,200 places in all.

The grand increase, however, of the influence of the Crown was to be found in the home establishments. Indeed, upon the collection of the revenue and the expenses of management, it had absolutely risen to upwards of four times, its former amount. The whole expense of collecting the revenue in 1780 cost less than 1,000,000*l.*; it now amounted to more than 4,000,000*l.* Now, he would ask the House to consider whether it was not bound to re-enact the important law of 1780, which the state of the country then compelled parliament to adopt? Besides this head of influence, there was another, that arose out of the increase of the debt itself. At the period to which he had alluded, the interest of the debt was under 6,000,000*l.*; at present, the interest on the debt, funded as well as unfunded, amounted to 49,300,000*l.* Now how did this debt operate? In various ways—all of them tending to increase the influence of the Crown; for, besides its operation in exhausting the resources and impo-

verishing the inhabitants of the country—besides its placing so many of them in a state of dependence on the Crown, and subjecting so many others of them to its indirect influence, it vested in the Crown, by its connexion with the management of the revenue, an enormous portion of direct influence, which nobody could dispute who was at all acquainted with the existing state of our revenue laws. Those laws were in themselves so multifarious, their arrangements were so minute and perplexing, as to hamper, beset, and obstruct every branch of our internal commerce, in such a perpetual and vexatious manner, as surpassed all description. These laws might, indeed, be necessary to collect so large a sum as the interest of the debt made it requisite to extract from the people; but the undeniable result of them at present was, to place all the traders of the country in a state of dependence and subserviency to the ministers of the Crown. The consequence was, that a man in trade, if he wished to act prudently, was forced to act warily; for let him be ever so skilful in avoiding the traps with which these laws beset him —let him be ever so resolute in keeping himself out of their snares; in spite of all he could do, he would at some period or other of his life come in contact—and that contact would be to him a collision —with that frightful code of laws which there was not a tradesman in England that did not shudder when he contemplated. There was hardly any one function that he had to perform in the ordinary occupations of his business, in which it did not open traps beneath his feet; and let him be as acute as he might, he would find those traps ready to enthral him, when it was too late for him to escape from them. He trusted he should be excused for giving a few samples of them at random. And first of all he came to the laws about soap-making. He should only read one section of them, to show with what a curious, prying eye, and with what a nice, discriminating hand—rough, however, and ungentle in its application to the pockets of its victims—the government pierced into the most private concerns of every tradesman. The law said, that "every maker of soap should be prohibited, under a penalty of 500*l*. from having in his possession any pipe or other instrument for the purpose of removing lees from one copper to another, or from using any crane, siphon, or other contrivance, to carry them out of one copper into any other part of the machinery." But not only were they to be prevented from having any pipe in their possession, or from using any crane, siphon, or other contrivance, they were also prevented from having any hole, cock, or perforation in the bottom of their copper. But upon this there arose a mighty difficulty, namely, how to get the lees out; because, though a man might put them in once, yet if he could not get them out, that would be the last time that the revenue could get any thing from them; so that to relieve him, and to benefit the revenue, the law said, he should only take them out by a pump, and be farthermore allowed to enjoy the privilege of a ladle. But as he dealt in matters of an explosive nature, it became necessary that there should either be a siphon to carry off the steam, or a hole or perforation to carry away the vapour: on that account, the law, by an extraordinary degree of legislative mercy, allowed him to have in the cover of his copper a small hole perforated; but then it was not to exceed one-eighth of an inch in diameter, and was to be bored with an auger, which was guarded, he had little doubt, very strictly with a 500*l*. penalty. It was almost idle to point out other instances of the same kind, but he could not refrain from noticing the Salt laws. Nothing could be more oppressive than the operation of those laws. The principle on which they proceeded, and unfortunately that principle was the corner stone of their whole system, was always to throw the burthen of proof upon the accused. Almost in every case the man was first entrapped into the Exchequer, and was then obliged to prove himself innocent. The second principle on which they proceeded was no less repugnant than the first to the spirit of English law, though it had acquired strength in the court of Exchequer in spite of them both. He alluded to the fact, that an informer—who in all other courts was looked upon as a suspicious and odious character, and whose testimony was always considered as nothing worth, without corroboration from some other quarter—was so common a character in the court of Exchequer, that the very circumstance of his testimony being the testimony of an informer was rather in his favour with the judge and jury, if he boldly avowed himself in his real character. What was the conse-

quence of such a system? Why, that a man who was exchequered, might just as well make terms at once with the public prosecutors, since the chance of his acquittal was either nothing, or something so small that when compared with the chance of his conviction, there was no assignable quantity that could possibly represent it. He would give one instance more of the oppression of the Revenue laws. The Glass law exhibited as great a regard on the part of the legislature to the principles of mathematics, as the Soap law did to the principle of mechanics. In 1811, it was provided that the layer was to be made in a peculiar way, under several penalties of 100*l.* or 200*l.* each. First of all, it was to be made rectangular, and its sides were to be perpendicular; and not only were its sides to be perpendicular, but also its ends; but not only were the sides and ends of this rectangular figure to be perpendicular, they were also required to be parallel to each other respectively; if they were not, there would not only be an infraction committed on the principle of mathematics, but also upon the statute of the 51st of Geo. 3rd, which, *in majorem cautelam*, inflicted a penalty of 100*l.*, to prevent the occurrence of a mathematical impossibility. A considerable change had been effected with regard to persons convicted under the Revenue laws within the last seven years. On the 19th of July 1814, at two in the morning, when scarcely 20 members were present, a bill was brought in, and read a first time without any discussion, for the purpose of giving to the Treasury a power of relieving all persons from Exchequer process, even after conviction. On the 25th, it passed through that House; on the 28th it passed through the Lords; and on the 30th, the royal assent was formally given to it. That law put the finishing hand to that control, before great, but now irresistible, which the Treasury had exercised over all infractions of the law regarding the revenue. To show how this law operated, he would mention the result of a recent information filed in the Exchequer, on the statute of the 49th of Geo. 3rd, for mixing strong and weak beer together. An information was filed, containing no less than 25 counts. In one count 105 penalties for 100*l.* each were laid against the individual accused, and by the whole information, it was sought to recover penalties to the amount of 21,000*l.* The changes were rung, time after time, upon these penalties, distracting the attention and wearying the patience of the accused in such a manner, that no human nerves could stand against it, and making him ready, in nine cases out of ten, to give up a tenth part of his income, by pleading guilty, rather than run the risk of impending ruin, by standing out upon his innocence. He mentioned this as an illustration of the proposition with which he had set out, as to the increase of the influence of the Crown. It was in vain to lay out of their view the effects of the debt, and of the increase of the revenue to discharge the interest of that debt. Though the expenditure so incurred by the country did not go directly to pay the salaries of placemen, yet it brought all classes of the trading community under the control of government, and perplexed them with countless fears of infringements upon a code of laws, which, if not intended to deceive, was, at least, so constructed, that the wariest tradesman could not help falling under its operation, and was thus compelled to become a suitor for the lenity of the Crown. He would not pretend to calculate the exact degree in which these circumstances had increased the number of suitors; but of this, at least, he was certain—that it had compelled many a member of parliament to become a suitor to the minister on behalf of his constituents, and had thus, by compelling him to appear at the gates of the Treasury, greatly increased the influence of the Crown.

Having made out these points, he thought that nobody would dispute the next point to which he should call their attention. That point was, that the influence of the Crown had increased by its being better arrayed and organized than formerly. Indeed, of all the improvements which had been introduced since 1780, not one had been found more effectual in increasing the real worth of the revenue placed at the disposal of the Crown for the purposes of influence, than the manner in which the Treasury has contrived to get its long arm introduced into all the departments of the state.—In one peculiar instance, certain appointments having been taken from the commissioners of Excise and Customs, with regard to the yachts belonging to their respective establishments, and transferred to the Treasury, a compensation was absolutely made to them in money for the loss which they

were said to have sustained in patronage.—The last circumstance to which he wished to call the attention of the House was, in his view of the case, above all others important. They had now ended the great expenditure of the war; they had now come down from the enormous expenditure of 132,000,000*l.*, the average expenditure of the three last years of the war—a sum which startled the imagination to think of, which one could not contemplate without a feeling of awe, and which the mind could scarcely grasp, though the term was used in common parlance—to the more moderate, but still not insignificant sum of 77 or 78 millions, including the expense of the management of the debt. Let it not, however, be supposed, that the expenditure of the war had now produced its full effect—it had by no means done so. There were other effects yet in operation, which he regarded with great fear and jealousy. He referred particularly to a habit which had grown out of our vast expenditure during the war, and which it would take many years of vigilant attention to eradicate completely from the public mind. He meant the habit of looking up, for the means of subsistence, to a government which had the disposal of so much revenue within its patronage. When the government had a revenue of moderate size, it had a far different hold upon the people than it had now, when its revenue had swollen to such an enormous amount. Now, its influence spread into every quarter, and was felt in every corner of the state. At a former period, when a resolution similar to that which he intended that night to propose, had been submitted to parliament, government had not trained whole families in the community to look up to it for support and subsistence; then men were accustomed to earn their bread without seeking the price of it from the state; then they trusted to the exertion of skilful industry and of honest art; but year after year had now elapsed since our countrymen had contracted the vicious habit of looking up to different administrations for shares in the good things of this world, as dispensed to the public through the channel of commissions in the army and navy, in auditorships, in clerkships, in cadetships, assistant-surgeonships, and writerships; in appointments of every size, kind, and description, some large enough to satisfy the avarice of the greatest families, and others small enough to come within the grasp and satisfy the cupidity of the humblest. Under these circumstances, it did not signify so much that they had diminished the means of the court by diminishing the expenditure of their war establishments—for the vicious habit remained of looking up to the court for subsistence and fortune. That habit remaining, there would be the same competition, and the same subserviency, amongst those who entered into it, for a share in the 78 millions, as there was for the 132 millions which we were annually disbursing during the war. Now, when all these circumstances were taken into consideration, he trusted the House would be of opinion, that sufficient grounds had been stated to them for concluding that, if parliament had, in 1780, come to such a resolution as he intended to propose, the reasons for it had been rather strengthened than weakened. He would not state the words which had then been used by the learned mover of that resolution, but which, if he were to use, he should be considered the most indelicate and ungelous of men. That hon. and learned character had talked of "the corrupt pecuniary influence which existed within its walls." When he was asked what he meant by "corrupt pecuniary influence," he replied, that he had no hesitation in "declaring, upon his honour, that he knew fifty members in that House, and the most of them within his hearing, who totally reprobated and condemned, out of that House, the measures they supported and voted for in it." He likewise said, that "though no man held private conversation more sacred than he did, if the issue of the present debate was to depend upon naming them, and it was the pleasure of the House to desire it, he could and would name them."* Nobody took up Mr. Dunning's challenge; and therefore he (Mr. B.) was unable to mention the 50 gentlemen. Another distinguished character, who had filled the office of Speaker (sir Fletcher Norton), had declared, "that he felt himself bound as an honest man to say, that the influence of the Crown had increased much beyond the ideas of a monarchy strictly limited in its nature and extent." On a question like the present, he might be excused if he did not wish to rest upon the opinion of a man who was not signalized for his opposition to courts,

* See Parl. Hist. vol. 21, p. 352.

but who, on the contrary, was rather distinguished for having never thwarted a minister upon any point whatsoever—he meant sir W. Blackstone. But what did Blackstone say upon this subject at a period anterior to the American war, when the system of influence was much less in operation than at present? After stating those particular improvements in the constitution from which he thought the popular part of it had derived advantage, and numbering among them the Bill of Rights, the Act of Settlement, the doctrine of resistance, and the regulation of trials for high treason, he proceeded in the following manner:—"Although these provisions have, in appearance and nominally, reduced the strength of the executive power to a much lower ebb than in the preceding period; if, on the other hand, we throw into the opposite scale (what perhaps the immoderate reduction of the ancient prerogative may have rendered in some degree necessary), the vast acquisition of force, arising from the Riot act, and the annual expedience of a standing army; and the vast acquisition of personal attachment, arising from the magnitude of the national debt, and the manner of levying those yearly millions that are appropriated to pay the interest; we shall find that the Crown has gradually and imperceptibly gained almost as much in influence, as it has apparently lost in prerogative."—[B. 4. chap. 33.] Now, it was worth while to recollect that this passage was written in 1766, and to look closely to the opinions which sir W. Blackstone had expressed in it. His argument was, that the Crown had acquired a vast acquisition of force from the Riot act; and we had now, in addition to it, the Six acts. His next argument was, that it derived strength from the annual expedience of a standing army; and in his day it amounted only to 17,000 men; while now it amounted to 90,000. His next argument was founded upon the vast acquisition of personal attachment arising from the magnitude of the national debt, and the manner of levying the yearly millions appropriated to pay the interest; but in his time the debt was not more than 130,000,000*l.*, and the interest on it not more than 4,500,000*l.*; while now it was 800,000,000*l.*, and the yearly millions appropriated to discharge its interest somewhat more than 40. What man could doubt that, if either Mr. Dunning, sir F. Norton, Mr. Justice Blackstone, or the House which passed the resolution of 1780, had been called upon, under all the change of circumstances, to revise their decision, they would have now again passed it, together with such farther practical reform as the augmentation of the mischief seemed to require?

Various answers had been attempted to these questions, and he wished shortly to advert to them. He did not suppose it would now be contended, as was done by the late Mr. Rose in 1810, that in reality as many places had been abolished as had been created, at the same time admitting, with a singular aptitude to see things in the light that best suited his purpose, that no less than 1,500 places had been created in the collection of the revenue, and only 500 abolished in the salt department—the latter averaging 50*l.* a year each, or 25,000*l.* in the whole, and the former averaging 300*l.* a year each, or 450,000*l.* in the whole. Desperate, therefore, as might be the distress of the other side, he did not expect that they would be quite driven to this extremity. The next answer would perhaps be, that there were now fewer placemen in parliament than at any former period: to which he replied, by asking—how many fewer? In 1780, the number of placemen in parliament was from 80 to 90. It now appeared, from the returns moved for by the hon. member for Shrewsbury, that they were 87 in the whole; but a deduction, he was ready to allow, ought to be made, for some were not fairly under the influence of the Crown. But, be the precise number what it might, he protested against the application of the principle. It was not merely by the placemen in parliament that the influence of the Crown was extended. If the minister, in whose hands it had pleased the king to place the government, had the disposal not of 10 or 8 millions, but of 27 or 28 millions—if he had the power of granting increase of salaries—if he could expend large sums in purchasing the support of individuals at elections and county meetings, it came to the same thing; the influence was felt by members through their friends: it was first felt at elections, and then in the votes of the House; and it signified very little whether a man was bribed by holding an office himself, or by having another to hold it in trust for him; the obligation was the same,

and the influence was the same. There was the same dancing attendance at the Treasury in the morning, the same dancing attendance in the House at night. The suffering of the people was the same in both cases, and they were called upon to pay the same amount in taxes, as if there were an additional number of placemen actually sitting in parliament. The other answer he gave arose out of what took place in 1780. Placemen to a considerable number had been excluded before that date. The statutes of Anne and of Geo. 1st, had shut out many placemen and all pensioners; and the statute of Geo. 2nd, the Place-bill of 1742, lopped off a great number of others. And yet, 40 years afterwards, no man pretended to argue (and the vote of the House showed that if he had done so he would not have been attended to), that therefore no further step was to be taken —that enough had already been done. He granted that there were fewer placemen in the House now than in the time of lord Carteret, when there were 200; or at an antecedent period when there were 300; but that availed nothing, because in other respects the influence of the Crown had been increased, and the establishments augmented to more than double. So many more millions were thus placed at the disposal of the king; and this fact alone, not operating upon our ancestors, afforded an irresistible argument, and an inducement, beyond all comparison with former times, to attempt the same principle of applying the axe to the root of the evil in the same view of the constitution.

He now came to the last of the answers which never failed to be given to arguments such as those he had employed— he alluded to that which arose out of what was called the right working of the system. It was put thus:—"It is very true, we cannot deny the great increase of the influence of the Crown; it is the necessary consequence of large establishments; but, taking it altogether, the country enjoys as much practical liberty, and parliament is really as independent, as in any former reign." Such would be no argument to convince him, if he found in the history of parliament of earlier times a series of instances to prove its absolute dependence upon government, and if he saw that the maladministration of public affairs in the American war was the immediate result of the overgrown influence of the Crown. It was still less an argument to be used now in our own day, when all men had witnessed the most independent conduct of parliament and the most admirable working of the system! There was one proposition, which all who had examined the proceedings of their own time would be prepared at once to admit; namely, that whoever might be the minister of the Crown as to the person, and whatever might be his measure as to the thing, this House uniformly supported both the man and the measure, because the man was the minister and the measure the minister's. This was a proposition which he had no hesitation in laying down in the broadest manner. It had hardly an exception. So great was the influence of the Crown in the House and the country, that any man who could be named minister might come down to-morrow (or perhaps it would be safer to speak of the last five or six parliaments), and the instant he took his seat upon the Treasury-bench, whatever plans he might propose would receive the support of a decided majority of the House. In thus saying, he confined himself within these limits—on the one hand, that the man should be taken from one of the classes from which ministers were usually selected; and, on the other, that upon his measure he was willing to risk his continuance in office. Between those limits he inserted his general proposition. Before Mr. Pitt went out of office in 1801, he had been attended with his customary triumphant majorities. Mr. Pitt's majorities while prime minister were usually about four to one; and in a House of 300 members, only 63 were found bold enough to oppose them. It was vainly imagined in those days, as he had often heard, very naturally, partial friends since assert, that Mr. Pitt enjoyed his sway in parliament, not as a tribute to his station, but to his great hereditary name, to his splendid talents, and to his unimpeached personal integrity. But when he went out of office—when he was succeeded by another right hon. gentleman who resembled him only in one single particular, which the country might have supposed the least material—that of his being the king's chief minister, and representing his majesty's government—then the truth was at once disclosed. Many, either from personal esteem for that great individual (he did not mean the then new minister), or from tenderness towards the

character of parliament, or from that optimism which all men felt more or less in politics, wishing to think the form of government under which they lived as perfect as possible, were disposed to expect that Mr. Addington would only retain his majorities as long as he enjoyed the confidence of Mr. Pitt. Unhappily, the event speedily proved that that which had been held up as the least material ingredient—as least attended to by the House, and operating upon its pure and disinterested members in the smallest degree—could procure for the new minister that vast numerical force to which the noble marquis opposite was so fond of appealing—which negatived all awkward questions, and defeated the most powerful adversaries. In truth, that which had been idly imagined to be the least material circumstance, the possession of place, turned out to be the only one that produced any effect upon the incorruptible House of Commons. Mr. Pitt and Mr. Addington being now twain for the first time, a trial of strength took place; the House having opened its eyes to what many had before suspected—the schism between the out and the in minister.* At this moment, its disinterested regard for Mr. Pitt was rudely put to the test; and with a total disregard of that delicacy towards its feelings that might have been observed, it was required at once to decide between the two. Mr. Pitt boldly and plainly put the question to all who had but a few short weeks before lavished their professions upon him. "Give me", said he "no more of your speeches—let me hear no more of your expressions of confidence in me—let me have no more songs in my praise without doors, nor tirades in my favour within doors—come to the vote—come to the test—let me put to the proof some of you who have followed me for 20 years while I could dispense place and patronage—let me now see whether you prefer Mr. Addington or me." What was the result? In a House of 400 members, no fewer than 333 were free to confess, and by their votes they did unequivocally confess, that they preferred Mr. Addington to Mr. Pitt. They preferred Mr. Addington to Mr. Pitt's great hereditary name, the fame of his illustrious ancestors, the popularity established in his family for half a century, and in himself for a quarter of a century. What, then, became of the support of Mr. Pitt's adherents—the love of his friends—the gratitude of all on whom he had conferred benefits—the fidelity of the placemen he had created, and the affection of the contractors he had replenished? Where, then, were the worthy aldermen he had enriched, the hon. baronets he had made, the knights of the shire for whose families he had provided, and all the representatives for rotten boroughs, who had a thousand times boasted their generous and unalterable regard? Where were all those among whom he had lived—whom he had fed, clothed, and commanded—and who, while he was minister, had dragged him through every measure, overcoming every opponent, from Mr. Fox down to the gentleman whom he did not wish to name, who had once displayed a shattered bank note before the eyes of the House in derision of Mr. Pitt's "solid system of finance?" All had suddenly disappeared; Mr. Pitt was discomfited, and left in as small a minority as Mr. Fox, or any other Opposition member, had ever headed. This, too, be it rem[illegible]red, on a personal question—on [illegible]stion of confidence;—and Mr. Addington's qualifications, his overpowering talents, and his undiminished and unenvied popularity, were found an over-match for Mr. Pitt, when he had no longer the means of buying friends, or securing the gratitude of base and mercenary dependents. Of all his overwhelming majorities, only 56 were

"——faithful found
Among the faithless——"

adhering to him "even in extremity of ill." It was painful to observe that these 56 votes afterwards fell to 55, when another proposition of the minister was resisted, and against the powerful coalition of the friends of Mr. Windham, the family of lord Grenville, and the adherents of Mr. Fox, Mr. Addington still made head. He continued to do so for upwards of a year, and then, indeed, a change of ministry was effected;—but how? A most suspicious circumstance was observed by all those who contemplated the movements of the cabinet; for it was found a number of the friends of Mr. Pitt (including the noble marquis opposite) had become members of Mr. Addington's administration, and there was reason to believe that the premier and Mr. Pitt understood one another. Of this fact, indeed, no man entertained a doubt; that if Mr. Addington had been supported strongly by all his friends, and if he had chosen to run the risk of his

place, remaining by his sovereign, as his sovereign was willing to remain by him, for aught he (Mr. B.) knew, he might have been minister to the present hour. The parliament to which he had been referring was not dissolved till the latter end of 1806; and at this time it would not be forgotten, that the strongest phrases were used in every quarter regarding the conduct and language of Mr. Fox; charging him, almost in terms, with unfurling the standard of rebellion, although it was known that he never could assemble any parliamentary force that deserved to be called a body capable of giving even a slight resistance to the minister of the day. Nevertheless, an event happened about 1806, which let in a new and sudden light upon the honourable House of Commons. Mr. Fox came into office—an event of which the House was most curiously observant. Nothing was looked at in parliament with more anxious, prying and wary eyes, than a circumstance of this kind—when a man was sent down by his monarch as the minister. Members of parliament were most patient, curious, sedulous, and careful observers of such a change. They eagerly watched every motion and caught every hint, but refrained from acting until doubt was at an end. When the appointment was gazetted—when the favoured individual was really minister—that change produced, of course, a corresponding and correlative change in the House of Commons. The moment the operation was complete out of doors, the alteration within doors was wonderfully rapid. On the 3rd of March 1806, the very House of Commons that just before had charged Mr. Fox with unfurling the standard of rebellion, no longer entertained the slightest distrust of his person or his principles. They followed him implicitly, and in as great a numerical force as they had followed any of his predecessors in office. A very remarkable instance was afforded of the complete change of sentiment which the honourable House had undergone, in the question on which that sentiment was first distinctly pronounced. For a considerable time no attempt was ventured at bringing the House to a division; but at length, in the month of March, an hon. member, connected with the noble marquis opposite, brought forward a proposition founded on a measure which the new administration had adopted. For himself, he (Mr. B.) would freely say, what he had never hesitated to say, however widely he might differ in general politics from the individuals in whom that proposition had originated, that if ever there was a strong question submitted to the decision of parliament, it was that question. He would venture to say that there never was a stronger case than was involved in the proposed resolution of censure on his majesty's then government for the admission of lord Ellenborough to a seat in the cabinet. What was the consequence? The House behaved with their usual kind and tender forbearance towards all men in office, and which could be equalled only by their stern, their iron firmness towards all men out of office. Their indulgence and gentleness to ministers were in exact proportion to their constitutional obduracy towards the opponents of ministers. In short, when the question was brought to a division, by a curious coincidence, only 65 members voted against Mr. Fox and his colleagues on that strong constitutional question; being about the same feeble number that had divided with Mr. Fox against Mr. Pitt on the last division which took place in the same House of Commons just before Mr. Pitt went out of office. He repeated, that this was a very curious coincidence. The last division that occurred before Mr. Pitt quitted office, was 245 to 68 in favour of that minister, and against Mr. Fox. In March 1806, however, the tables were turned; 222 members voted for Mr. Fox; and the survivors of Mr. Pitt, those who called their party by his name, those who had fought under his banners, those who might justly consider themselves entitled to the gratitude of the individuals whom Mr. Pitt had politically benefitted, could muster no more than 64 hon. members to vote against Mr. Fox and for them, on that strong and pinching question!

He protested he was utterly at a loss to conceive how any conclusion but one could be drawn from the facts he had already detailed. He would, however, mention a few more. Having taken an instance from the conduct of a House of Commons assembled under Tory auspices, he would take an instance from the conduct of a House of Commons assembled under Whig auspices. God forbid that he should, for a moment consider those auspices as equal in value. But he would, nevertheless, briefly advert to some of the circumstances in the conduct of the House of Commons that was

assembled, under the auspices of the Whig government, in the autumn of 1806. And here he would observe, that there was a great change in the composition of that assembly. There had been what in former times was called "a purging of the House." No fewer than 180 new members were introduced. It was naturally to be supposed that such a House would, in some degree, redeem the character which its predecessors had lost. And so at first it did. But, if its conduct throughout the whole of its career were scrutinized, it would be found much worse, and much more discreditable even than that of its illustrious predecessor. As might be expected, considerable differences of opinion arose on the opening of that parliament, between the ministers of the Crown and their political opponents. Those differences were stated at an early period of the session, by several of the latter, and especially by a right hon. gentleman in his eye (Mr. Canning), who moved an amendment to the address on the first day of the session, with a view to show the different views of policy entertained by the different parties in the House. For a considerable time, however, the opponents of the existing government, aware that they should only show their own weakness and the strength of their antagonists, did not venture to divide on any question. First, then, was the subject of foreign affairs. On that question a motion was made, but no division was pressed. Then came the consideration of the army estimates, involving the question of Mr. Windham's military plans. Still no division. Afterwards the orders in council were discussed, on which Mr. Perceval made a motion; but no division was pressed. Next came Sir S. Romilly's bill, being the first attempt of that learned and illustrious person to reform the criminal law; a proposition made in the most moderate and temperate manner, but exceedingly objected to by the gentlemen in Opposition, and especially by one, than whom, with the exception of Mr. Pitt, perhaps no man had ever greater personal sway in the House of Commons; he meant sir W. Grant, the Master of the Rolls. To that bill numerous objections were raised, but no division was resorted to. Even on the Maynooth College vote, a question on which Mr. Perceval declared he would make a stand; a question on which he gave notice that he would rouse the whole country to opposition (a menace which he afterwards carried into effect, and on the cry which he then contrived to raise, built his accession to power); even on that Maynooth College vote, no division took place. It was not until February, when the petition from Hampshire, complaining of a corrupt election, was presented, and when it was thought that there was a strong case which might induce many members to vote against government, that the first division occurred; and the result was 184 to 57 in favour of ministers. Question after question followed, without any division, until the 12th of March, when on another division the minority did not exceed 60. And here he begged to observe, that the 12th of March was an important epoch. The House of Commons were approaching a very critical time. Rumours were spread of certain things passing elsewhere, which made the members quite alive. They began to look sharply about them, to try to see their way, as they had done after the decease of Mr. Pitt. They began to be aware that they had better be quiet—that they had better abstain from all strong demonstrations—that they had better steer near the land and with a snug sail, lest they should get on a lee-shore and be suddenly shipwrecked. They did not exactly understand what was passing around them; but they knew that something was passing. Birds of ill omen were fluttering about; and who knew what might ensue? It was evident that something was not as it should be; but that was very immaterial. The great point was, that something was not as it had been. Mr. Fox was no more. His friends, it was true, were in office; but it was not very clear whether they ought to be supported. They, the members, were plain downright matter-of-fact men. They wished to know how affairs stood. They wished to know whether the men apparently in power were *de facto* ministers. "Make it quite clear to us—clear to demonstration—that you are not going out, and then we shall immediately know what to do." In the mean while, they comported themselves as the members were wont to comport themselves whenever they were engaged in such an interesting speculation. The first thing in those cases was a tendency on the part of honourable members to absent themselves from the House. There were sud-

denly many calls into the country. Journies were to be taken for health, for amusement; or for the health and amusement of dear friends and relations. It was quite astonishing to perceive the ties which bound a member of parliament to his home, when it was not convenient to him to take his place in the House! Accordingly, at the period to which he had been alluding, the numerical force of the House speedily dwindled to nearly one half its usual amount. The suspense, however, began to be painful. It would have become intolerable had it been much longer protracted. But at length it pleased his majesty to put an end to all doubt and indecision by changing his ministers. On the 12th of March, only 60 honourable members could be found to support a strong measure proposed to them by the opponents of the then administration. On the 3rd of March, only 57 had been found ready to support a still stronger measure. And yet, no sooner had the House been enabled to look well about them—no sooner had they had time and opportunity to take an observation—no sooner had they made themselves sure of who were to be in, and who were to be out of office, than the 60 or 57 members became expanded in a most marvellous manner to 258; that being, to the great astonishment of all beholders, the number of members who voted for the negative of the proposition, whether or not the House of Commons reposed any confidence in his majesty's late ministers! Thus did a large majority of that House, in which but a very short period before only 57 members could be found to express their disapprobation of those ministers, come forward to protest that they never liked those ministers; that they liked any ministers better; and that they were very grateful to his majesty for having taken the public affairs out of their hands! Aye; and had it pleased the king to change the administration on the day after, the same members would again have looked about them; they would again have taken an observation; they would again have seen what way they were going; they would again have slackened their attendance in the first instance; they would again have eventually confessed that they always preferred Mr. Fox and his friends, and that they had never liked these new men, whom they would probably have characterised as mere clerks of office, as followers of Mr. Pitt, who were unworthy to hold the candle to their great predecessor and model; and they would have assured his majesty, that lord Grey and lord Grenville appeared to them to be the only individuals worthy of his confidence, for that on them alone had fallen the mantle of the illustrious statesman, whose principles they maintained. All that would have been said on the morrow, had those eminent individuals been reinstated in power.

This principle of government influence operated on other bodies besides parliament. Although he might do so, he would not go to corporations for instances of that fact, because corporations were not worthy of the comparison. But he would take his example from the conduct of a grave, learned, and most venerable body, whose dignified duty it was, to dispense the blessings of education over the land, and of whose institutions morality and religion were the corner stones;—he meant the grave, learned, and venerable university of Oxford. Undoubtedly that illustrious and erudite body possessed great quickness of discernment, great powers of prognostication on the subject of which he had been speaking. Hardly could the House of Commons itself manifest greater alacrity in the detection of falling or of rising political influence. Never had they exhibited in modern times, since their predilection for the old family, the stain of which they had washed out by their subsequent conduct to the new, any want of due vigilance on the point in question, except in the solitary instance of their election of lord Grenville to the chair of the chancellor of the university. But even then they had their excuse. Every appearance at the time indicated that lord Grenville was coming into office. The Walcheren expedition had just overwhelmed its projectors with shame. It was well known that there were great squabbles in the cabinet. Two of the members of that cabinet were already gone. A message had been sent from the king to eminent individuals opposed to the existing administration. Mr. Perceval appeared to be in treaty with lord Grey, and still more closely with lord Grenville. It was altogether pretty clear that there would be some change in the administration, and every thing pointed out lord Grenville as the probable chief of the new ministry. Henceforward, how-

ever, the university would, no doubt, be more cautious. Henceforward they would follow the prudent example of the House of Commons. Henceforward they would see the Gazette before they ventured to act. Henceforward they would not believe that any man was fairly out of office, until they saw the appointment of his successor gazetted. They had paid too dearly for their experience not to benefit from it; for they chose lord Grenville to be their chancellor; and from that day the noble lord had never held any situation of official trust and responsibility. As an additional proof of the watchful attention of the university of Oxford to men in power, let the House recollect their conduct on the Catholic question. On the 5th of March, 1807, Mr. Perceval, declared that the bill which had been introduced by his majesty's government was one of the most dangerous measures which had ever been proposed to parliament; and that it ought to be opposed by all who felt an interest in maintaining the established religion of the state. Accordingly, on the 17th of March, a petition was presented from the university of Oxford, in which they expressed their anxiety, their consternation, their horror, at a bill which threatened to break down all the barriers of our civil and religious establishments. They also declared their conviction, that the security of all the existing oaths and tests were indispensable to the maintenance of those establishments. Mr. Perceval persevered in his opposition to the bill in question. Aided by the efforts of the university of Oxford, to whose exertions the university of Cambridge lent their assistance he lighted up a flame which had nearly consumed the peace of the country. The public tranquillity was hazarded by men who, to further own political interests, did not scruple to raise—he was going to say a religious, but an irreligious, base, brutal, unchristian cry of "Popery!" The outcry thus raised by Mr. Perceval, its author, perhaps honestly, but seconded dishonestly by hundreds and thousands—this base outcry, having accomplished its object of destroying one administration and replacing another, and having given to the countenance of the king towards any set of individuals the invariable sequel of that countenance, a triumphant majority in the House of Commons—what followed? That very measure so exclaimed against; that very measure for admitting Catholics into the army and the navy, was introduced into the House of Commons by the identical ministers who had been so loud in its reprobation, passed that House, and had afterwards passed the other House of Parliament *sub silentio*, not a single word having been spoken against it by any spiritual peer, although only ten years before it had been pronounced a measure pregnant with the most disastrous and frightful consequences! He had looked over the Journals of the House, to see if he could discover any address from the university of Oxford on that occasion; but none had he been able to find. Nor, if he had discovered it, would it weaken his argument; since it was evident, that the tone of such an address must have been very different from that which originally proceeded from the same learned and venerable body on the subject.

These observations brought him to an occurrence which exceeded all others in its departure from the sound and wholesome principles of the constitution—he meant the Walcheren expedition. The deeds of the parliament which sanctioned that expedition, and the deeds of the expedition itself, stood recorded upon many a frightful page of our history. He should therefore only weary the House, by recapitulating the various acts which had been committed by the one, and sanctioned by the other. He could not, however, help pointing out a few instances of the changeable disposition manifested by the parliament of that period. They at one period opposed, by a large majority, granting certain powers to the Prince Regent, while there remained any hope of the late king's recovery; but when that recovery became hopeless, then the House voted as strongly and as steadily in favour of the prince, as they had before opposed him. He did not mean to say that previously there had been always large majorities against the prince; on the contrary, the minorities were often respectable, and upon one occasion there had actually been a majority in his favour. But this was not to be wondered at, when gentlemen recollected the very great nicety with which certain politicians balanced between the probable recovery of the late king, and the more probable speedy succession of the present monarch. It was calculated that the late king might not recover; that if he did, it was not likely he should be long spared to the country; and then

came the calculations with respect to the rising sun; all of which taken together, threw the balance in favour of a king *in prospectu*, rather than a king *de facto*. Notwithstanding the previous opposition made, no sooner was the prince invested with power, than his favourite ministers, as far as courtly favour could be depended upon or expected to last, obtained at once the confidence of that House.—He might, if it were necessary, remind the House of the Copenhagen expedition, and of the votes given upon the *Cintra* Convention, both of which measures had been approved of by the same House; he might also recal to their recollection that memorable period, when, in 1812, that House had addressed the Crown, praying that a more efficient ministry might be given to the country, and yet in the course of three weeks (during which time political speculators were closely watching who were likely to be in and who out), the House having discovered that the same ministers were likely to remain in office, did—what? They did what they had always done, and what they would always do—they supported those very ministers by a majority of more than 100, although not less than three weeks before they had left them in an actual minority. The ministers and the parliament of that day had been guilty of two most censurable proceedings; by the one, they had cruelly sacrificed the lives, the honour, and the treasures of the people of England; while, by the other, they had, by a resolution which did violence to the common sense of the country, assumed that which was notoriously false and palpably absurd. He alluded to the celebrated resolution of 1811, with respect to the value of our paper currency as compared with gold. He hoped he should never again see any set of ministers who would dare so far to set at defiance the sound and constitutional principles which ought to regulate the government of this free and enlightened country.

He would now remind the House of two or three passages in their own history, connected with this part of the question. He would first allude to a motion which had last session been disposed of upon the plan of 1803 and 1806. An hon. friend of his (Mr. Western) had proposed the repeal of the Malt tax. Upon that occasion, a division took place in favour of the motion; but the noble marquis opposite, who, it appeared, was better acquainted with the minds of the House, advised them, in his own language "not to halloo till they were out of the wood." Well did the noble lord know what the tact of the House was. Well did he know, notwithstanding the promise held out by the former vote, to the poor, ignorant, and uninstructed members, that there would be a second decision of a different nature; and, accordingly, upon that second decision, there was a majority of near 98 against the motion, although there had previously been a majority of 24 the other way. In like manner he himself had, in 1820, had the honour of obtaining the consent of the House in favour of a motion connected with the agricultural interests, in opposition to the wish of the noble marquis. Upon that occasion, there was a considerable majority in his favour, he did not exactly remember the number; but he well remembered, for he had reason to know, what occurred shortly after. Indeed, he could not possibly be mistaken in his opinions upon this point unless it could be shewn that effects were produced without fair and adequate causes. He knew not what particular rumour it was—he knew not, positively, whether it had been at all rumoured, that in the event of another such vote of the House, it was the intention of ministers to retire from office; but, be this as it might, he saw with his own eyes, on the very next night, many of the members who had supported him in the first instance, turn round and oppose him. So much, indeed, had this surprise been felt, that one hon. member, whose vote was unaltered in his favour, expressed his astonishment, that those who had on one night supported the question should have turned round and opposed it on the next. He should next advert to the grinding clause lately proposed by the right hon. member for Liverpool (Mr. Canning) upon the Corn Importation bill. To that clause the noble marquis had offered no objection; on the contrary, he had expressed his inclination to vote for it; but, on the next night, the noble lord turned round, and bringing with him the whole weight of the ministerial influence, the question was negatived by a large majority.—In the present state of the overgrown influence of the Crown, the minister, whoever he was, must, in nine cases out of ten, command a majority by their influence over placemen. But there was another species of influence, which had immense weight in that House; he meant that in-

fluence which was exercised over those who were called independent members; those members obtained places for their friends, adherents, and supporters. They did not, to be sure, hold places, but certainly this influence ought to be considered as great a disqualification from a seat in parliament as the actual holding of a place within the statute could be. It was on the ground that the conduct of parliament had varied without any adequate or commensurate cause, that he brought forward his resolution, in order to afford the House an opportunity of expressing its opinion upon it. If he should be so fortunate as to have the decision of the House in his favour upon this resolution, it was his intention to follow it up by a remedial measure. He might be told that the voice of the people had penetrated, and was attended to, within the walls of that House. When he looked to the instances which had recently fallen within all their observations, he imagined that, instead of being an objection, it ought to be the greatest and most deplorable of all instances of the inefficiency of public opinion in producing an immediate redress of any grievance. But, while he said this, he wished not to be misunderstood. Did any man suppose, that whilst a spark of liberty remained in this country; whilst a free press existed; whilst there remained a pure bench and an uncorrupted bar; whilst that House continued to be a deliberative body (no matter how much pledged to the interests of the Crown, and false to those of the people); whilst their doors remained open to the public, and the whole country must be informed of what was passing therein—did any man mean to deny that, whilst such things existed, public opinion could be excluded from that House? But what he complained of was, that the times did not keep pace with the public grievances; these grievances had been felt from day to day, and from year to year, for the last 20 or 30 years, and yet the House and the country had gone slumbering on with a blind confidence in the conduct of ministers. Could there be a stronger instance of the corruption of the times than this? They had gone on complaining, but they waited until the pool should be ruffled. Were they to wait and to wait on until the *vox populi* came to ruffle that pool? Were they to see the House of Commons harassed by petitions? Were they to wait until the prayers of the people reached them—until the groans of humanity (as was said with respect to the slave trade) reached them? Were they to await all this, while reform and amendment were in so many mouths? He had alluded to the slave trade; that trade had been supported by every party at home and abroad, excepting only the ministerial party: there was no union, for it was very clear, that if ministers had thought proper to make that a cabinet question, they might have carried it in the first instance with as much ease as they had ever passed any private bill. But what was the fact? In 1805, the bill was thrown out by a large majority; while the very next year, Mr. Fox, he being then in office, brought the whole weight of ministerial influence in support of it, and it was carried by a majority of at least ten to one. In the course of the next Spring there was a majority of 286 to 16 in favour of the motion, although only two little years before there had been an actual majority against it. How hon. members would be able to explain these phenomena, it was not for him to divine; but it was not difficult to perceive, that by this and other such means it was, that ministers had managed to keep themselves snug in their places. If, however, there remained any doubt as to the shifts of ministers to retain their places, they had satisfactory proof in the conduct of the noble marquis, who recently threatened to go out, unless he had a majority; the noble lord had a majority upon that occasion. This was a state of things which ought to induce hon. members to look about them. There was a material difference between firm independence and that desultory sort of independence which shewed itself only when the minister ceased to apply the lash. The people, however, were now taking a steady and decided view of the evils which oppressed them, and which were to be remedied only by a reduction in the number of places and establishments, and that parliamentary reform, which would bring the people more in contact with their representatives. He did hope that this opportunity would be taken for giving a pledge to the country to this effect. It was to enable that House to regain with the country that confidence which only their own fault could have forfeited, that he should propose as a resolution, "That the Influence now possessed by the Crown is unnecessary for maintaining its constitutional prerogatives, destructive of the

independence of parliament, and inconsistent with the well government of the realm."

The Marquis of *Londonderry* hoped he should receive the indulgence of the House while he endeavoured to follow the hon. and learned member through his long and eloquent address. The hon. and learned member had commenced by observing, that the influence of the Crown had increased to the injury of the interests of the country, and particularly as it affected the parliament. It would, however, be for the House to decide how far that influence had been extended, either in parliament or by other means. The hon. and learned member had not only proposed a resolution, but expressed his determination to follow it up, if carried, by some remedial measure. What that remedial measure was to be, the hon. and learned member had not clearly stated. It, however, had slipped out in the conclusion of his speech. And what was it? Why, nothing short of parliamentary reform. Thus was the question to which the hon. and learned member wished to pledge the House by his resolution. Now, he had no objection in the world to the hon. and learned gentleman's attempting to reform the parliament. It had been attempted before in the course of the present session, and the hon. and learned member had a right if he pleased, to return to the charge; but he ought not to do this under the weak disguise of diminishing the influence of the Crown. Having said thus much, he felt it necessary to observe, that he agreed with the hon. and learned member in some points. He admitted that the influence of the Crown was a just object of parliamentary jealousy. But whatever that influence might be, he maintained that the House was composed of materials too sound and too durable to be acted upon or corrupted by it. The influence of the Crown might perhaps be excessive; if so, reduce it; but let the question of reform, if at all introduced, be made a distinct and separate question. The hon. and learned member had taken the year 1780, and compared the influence of the Crown at that period with what it was at present. The hon. and learned member had compared the army and navy at the two periods; but he must be allowed to say, that the hon. and learned member had not at all ventured to come to close quarters. The hon. and learned member had, in the zeal of his argument, and with the energy of an advocate, indulged in certain figures and forms of speech, which were nothing else than rank and palpable exaggerations. The hon. and learned member had observed, that our actual expenditure (independently of the interest of the debt), was 28,000,000*l*. Now, it did not amount, at the utmost, to more than 18,000,000*l*. The hon. and learned member, speaking of the troops kept up in 1780, stated the amount to be 33,000 men, whereas it was known that we had at that period upwards of 60,000 men, with an annual expenditure at that period of 15,000,000*l*. Let the House weigh well the difference between the situation of the country, taken in all its bearings, in 1780, compared with the present period. Let gentlemen consider what the increase of population was; let them remember the increase of wealth; the increase of knowledge which had been infused into the public mind since that period; let them remember the tenets which the French revolution and other circumstances had diffused over the face of the community—the vast increase in the power and influence of the public press: let all these be considered for a moment, and then let any member stand up and state that the influence of the Crown had been increased beyond, or even equal to its due proportion. The hon. and learned member had adverted to the army and navy in support of his argument: he would put it boldly to hon. members opposite to state whether the Horse Guards and the Admiralty were not as fairly open to gentlemen who thought with that side of the House, as if they were in the daily habit of supporting ministers?—The hon. and learned member had next adverted to our colonial possessions, and had observed, that, the new accession of colonies included, ministers had obtained an additional patronage of nearly 500 offices. Where the hon. and learned member obtained his information, he could not pretend to say—so it was, that he had, in fact, doubled the whole of the appointments in question. But this was not all. The hon. and learned member had, in his usual style of exaggeration, first invented these offices, and then made them offices under, and in the gift of, the Crown. The hon. and learned member must have raked up the most menial offices in the colonies in order to make out his sum. He (lord L.) held in his hand a return, from which it appeared, that seven-eighths of all the

appointments in the colonies were in the colonial governments; and that in some islands there were only three or four, and in others six or seven appointments vested in the Crown. The hon. and learned member had made a comparison with the year 1780, as far as it suited his purpose; but, in fairness, he ought to have gone through with the comparison; for, in 1780, the colonial offices were filled by men who sat in parliament, and who discharged their duties by deputy; so that the new regulation took nearly the whole patronage of the Crown away, as it, in fact, removed no less than 29 members from seats in that House.—The hon. and learned member next alluded to the patronage which India afforded, and mentioned the fact of 38 appointments having arisen in one year in that country. He could not now recollect exactly what the patronage of that department was, but he might venture to assure the House, that if their only ground of reform was the extent of patronage in India, they might tranquillise their minds, and satisfy themselves that not a third of the appointments in question were at the disposal of ministers.—The noble lord proceeded to state the comparative number of persons employed in the Customs in 1797 and 1821 (he could not take 1792, as the Custom-house Records of that period had been burnt). In 1797, there were 5,728 persons employed; in 1821, there were 6,864, making one-third more than in 1797. But the difference arose from the fact of the Customs having been doubled since that period. Besides, if they looked to the increase of salaries, they would find that it bore no proportion to the increase of revenue. In 1797, the Customs' salaries amounted to 418,000; in 1821, to 638,000*l*., making an increase of more than one-third; but, making allowance for the commutation of fees which had taken place, the increase was, in fact, little or nothing.—The noble lord next pointed out the difference between the Excise offices of 1821 and those of 1797, and contended that, considering the immense increase of revenue to be collected, there had been little or no increase of expense to the country.—Notwithstanding the assertions of the hon. and learned gentleman, he would say, that the regulations in all the offices of the public service tended not to cultivate or extend the patronage of ministers, but studiously to restrain and limit that patronage. He would instance offices connected with the Customs. Those offices were regulated now very differently from the former practice. Persons appointed to those offices were selected for their merits and qualifications, and went through the ordeal of a previous examination. When the hon. and learned gentleman talked of the Treasury thrusting its long arm into the pockets of the people, for the mere purpose of enabling government to extend an undue influence, he would defy him to make out his case. The hon. and learned gentleman had said, that the influence of the Crown was increasing, because the revenue had increased. Did he mean to say, that the interest of the debt paid to the public creditor extended the means of influence. The hon. and learned gentleman had gone into a grave law argument on the subject of Exchequer process. His law argument was filled up with mere jokes; for he must say that the argument of the hon. and learned gentleman was not brought to any logical conclusion.—The hon. and learned gentleman called for information on that subject. He (lord L.) was sorry the returns moved for were not on the table. He had seen the returns for Scotland; and judging from that return, of the number of Exchequer processes for England and Ireland, the amount of them must have greatly decreased. The hon. and learned gentleman had said, that those processes had increased to the great loss and inconvenience of the parties. This he denied. The returns from Scotland of the number of Exchequer processes from 1800 to 1810, were upwards of 3,000; from 1810 to 1820, they amounted to about 500 under that number. He thought the hon. and learned gentleman would see reason to correct his facts, and revise his arguments. He had spoken of the severity of the revenue laws. The House were aware that revenue laws in their nature were more or less severe. He certainly was not prepared to follow the hon. and learned gentleman in minute detail; but he would stand upon the general principle, and in opposition to the hon. and learned gentleman, he would say, that he had not proved that the influence of the Crown had increased.—The hon. and learned gentleman had next dwelt upon the supposed influence of the Crown upon the members of that House; and had stated, that the number holding offices under the Crown, amounted at present to 80. Here again, he must say, that his information was different from that of

the hon. and learned gentleman. He could not find more than seven or eight and forty persons sitting in that House who held offices under the Crown, in a sense to which influence could be fairly attached. The hon. and learned gentleman must have had recourse to the stores immediately surrounding him to swell up his number—he must have included the hon. member for Calne, the hon. member for Bath, and the hon. and learned member for Peterborough. Surely the hon. and learned gentleman, jealous as he was of the influence of the Crown, and anxious as he was for the purity of that House, would not say that the one was likely to be promoted, or the other endangered, by his own friends who held places under the Crown, and yet sat as members in that House. He never had complained, and he never would, of a just and salutary jealousy in that House on the subject of royal influence; but he must always oppose exaggerated statements, however boldly they might be put forth.—He now felt it his duty to call the attention of the House to the conduct of that parliament which the hon. and learned gentleman had reviled in such strong terms. He apprehended that the hon. and learned gentleman might have laid his motion much deeper than he had done—he might have gone much farther back; seeing that his object was, not to regulate the influence of the Crown, but to effect a complete alteration of the present parliamentary system. He ought not to have confined himself to the period when Mr. Pitt came into office, nor to the time when lord Sidmouth succeeded Mr. Pitt; he ought to have gone beyond the year 1780, and endeavoured to show, by a comparison with what then occurred, that the present parliament was corrupt and bad. But, what had been the conduct of parliament during the whole period to which the hon. and learned gentleman had alluded? Had it not proceeded on the principle of restraining, within due bounds, the whole influence of the Crown, so far as it had any tendency to be employed for corrupt purposes? Had not parliament endeavoured, as much as possible, to contract the expenditure of the public money? And had they not brought it within much narrower bounds than the hon. and learned gentleman had stated? The last forty years was an era during which many signal transactions had occurred. The expenses of the Crown, and consequently its influence, had, in that period, been contracted and regulated. It was true, that Mr. Burke's bill did not prove successful. But the spirit in which that bill was conceived, was sedulously kept alive, and the consequence was, that Mr. Burke's bill was followed up by a number of efficient measures. Did the hon. and learned gentleman consider that there was no change in the system, when Mr. Pitt placed the finance of the country on a new footing? He altered the system under which previously the creatures of government received the donations of the Crown through the influence of the ministers. He threw open the competition for loans, in which the Bank of England saw fair play between the Crown and the public. All the contracts for the state, for victualling the navy, for taking up transports, which were before settled in the private room of the minister, Mr. Pitt caused to be thrown open. He had those contracts superintended by boards, and effected on the principle of open competition. Was this no criterion to show that the revenue of the Crown and its influence had been scrupulously watched? One of the most remarkable eras in the history of the country, with reference to its internal reform, had been alluded to by the hon. and learned gentleman; and he must say, that the hon. and learned gentleman had misunderstood every thing which Mr. Rose had stated on the subject. Mr. Rose had not said, that 400 or 500 offices had been reduced, and 1,500 created; but that 480 offices had been reduced, and 200 and odd menial offices in the revenue created. In 1804, Mr. Pitt abolished 196 sinecure offices, which had previously cost the country 42,000*l.* a year; and offices of that kind were more likely than any others to secure parliamentary influence. The hon. and learned gentleman had alleged, that offices had increased in proportion to the increase of the revenue. The reverse of this statement was the fact. The revenue had indeed increased; but upwards of 800 offices had been reduced. A much smaller number had been created, and those were of that description which were actually necessary for the administration of the system. What had been the conduct of his majesty's ministers since those situations were reduced? To that he would advert presently, always requesting it to be borne in mind, that a time of peace was the proper period for

examining the spirit by which a government was animated. Before he came to that period, he would refer to an intervening year, when the hon. member for Corfe Castle set on foot an elaborate inquiry into the state of the finances of the country. He entered minutely into the constitution of all those offices which Mr. Burke did not think it necessary to meddle with, because he thought them essential to the government. He left them untouched, knowingly and willingly, with his eyes open. He did so on a principle which he avowed in his celebrated speech on the subject. But such was the growing temper for reform in that House, that an inquiry was instituted into the nature, uses, and emoluments of those offices; and many years did not elapse until the whole system of sinecure offices was expunged from the government of the country. So that, when the question of abolishing one of the joint postmasters-general was brought forward a few nights since, the hon. member for Corfe Castle justified his vote in favour of that proposition, on the ground that it was the only office under government that could be denominated a sinecure. Two hundred offices in England, Scotland, and Ireland had been abolished, exclusive of 100 of a minor nature which came within the civil list of the Crown. He knew it might be said, that a corresponding influence was granted to the Crown by an additional sum of money that was voted to it. But this was not the fact. The offices suppressed cost the country 57,000*l.* a-year, whereas the sum voted was only 30,000*l.* No less than 30 of the offices thus reduced were compatible with a seat in parliament. The result of the retrenchment consequent on the reduction of offices which took place conformably with the address of last year, might be collected from the official returns. His right hon. friend, the Chancellor of the Exchequer, meant to take credit, this year, on account of the reduction of those offices, for a saving of 150,000*l.* From the close of the war up to the period of the address of last year, the government had completely examined the whole system of the country, for the purpose of seeing what offices could be suppressed or regulated. He held in his hand a list of every office that existed at present, as well as of those that had been reduced. The result was, that from the close of the war up to the period of the address of last year, 1,099 offices were reduced, and the individuals holding them were dismissed, making a saving of 360,000*l.* This was exclusive of the offices suppressed at the time the hon. member for Corfe Castle brought forward his proposition, which had the effect of reducing offices that cost the country 220,000*l.* a-year. So that there had been a reduction between the conclusion of the war and the time of the address last year, of 2,012 offices, and a consequent saving of 580,000*l.* Besides this, there was a subsequent reduction of offices to the amount of 150,000*l.*, making a total saving of 730,000*l.* He admitted that much remained to be done; and he could assure the House that no wish was entertained by ministers, not to push reform to every practicable and commendable extent. With the exception of the Customs, there was not a single department connected with the revenue of Great Britain and Ireland, that was not, at present, subject to a strict inquiry; not by persons appointed by the ministers of the Crown, but by commissioners appointed by parliament, and acting under the sanction of an oath. If he could show that proceedings of this kind had been, and were, in progress, he conceived it would be an ample justification, not merely of ministers, but of that parliament which the hon. and learned gent. had so greatly reviled. Yes: that reviled parliament, much as the hon. and learned gentleman despised it, had saved not only this country but the civilized world. If he could show that, for the last 40 years, every attempt had been made, and not unsuccessfully, to keep down the influence of the Crown, to retrench the public expenditure, and to watch narrowly over the issue of the public money, he should, he thought, go a good way towards rescuing parliament and the ministers of the Crown from the censure of the hon. and learned gentleman. The hon. and learned gentleman appeared, indeed, much more anxious to accuse and vituperate the parliament, than the government. For the purpose of impeaching parliament, he had quoted various transactions which had happened during the last 20 years, and had condemned in severe terms the course which that House had pursued with reference to particular measures. He had, more especially, alluded to the proceedings that had taken place relative to the Malt-tax, which he

seemed to think indicative of the corrupt state of the representation. But, if the Malt-tax were repealed in a very thin House, was it not the duty of ministers to introduce the question when there was a more full attendance of members? If he (lord L.) should ever have the good fortune to persuade the House to adopt any particular measure, would not the hon. and learned gentleman take the most favourable opportunity to resist, and, if possible, to defeat that measure? If such a plan were good for one side of the House, assuredly it must be good for both. The hon. and learned gentleman could not suppose that a privilege of that kind—the privilege of selecting the best opportunity for effecting a particular object, belonged only to himself and his friends. It was perfectly clear, from all that had been said by the hon. and learned gentleman, that parliamentary reform, and nothing else, was the end and object of his motion. He seemed to have no other view save that of degrading, not the present House of Commons, which he appeared to hold in perfect respect,—but every House of Commons that had preceded it for many years. He was not prepared to go through all the historical matter which the hon. and learned gentleman had introduced. His invective was not directed against parliament because they had supported the present ministers for many years, but because they had generally supported that system which, he conscientiously believed, had wrought the salvation of the country. He was yet to learn that that House ought to nominate the ministers of the Crown. For his own part, he thought it was the bounden duty of the members of that House to support the minister of the Crown for the time being. It was in consequence of the support which ministers had received from the legislature, that this country had been enabled to keep up a successful struggle against the acts of revolutionary governments, and to meet the machinations of some of the infatuated subjects of this country. Steady in the march he had described, government had adopted every practicable measure for ameliorating the state of the country. Every reasonable man must perceive, that it had gone along with those principles which were bound up with every thing that was valuable to the people of this country—with every thing that was essential to the liberties of Europe. This reviled parliament, which the hon. and learned member would that night degrade for the purpose of bringing it to some of those standards which he thought better than the present, had done its duty to the empire. It was not the sarcasms of the hon. and learned gentleman, nor his gloomy forebodings, nor his vehement attacks against the minister of the day, that could divert the parliament of the country from that great career of honour and of glory, which it was pursuing. He would maintain, in the face of all the charges which the hon. and learned gentleman had made against parliament, that it had conducted this empire, most successfully, through a crisis fraught with unexampled difficulty and danger. It had, by its wisdom, its firmness, and its prudence, saved this country from ruin, and rescued the remainder of Europe from hopeless slavery. He, therefore, would never stand by and hear the parliament of England calumniated, after the glorious acts which it had achieved. He called on the House that night to oppose the resolution of the hon. and learned gentleman. He would warn them, that the hon. and learned gentleman had not introduced it for the purpose of effecting the repeal of a few petty bills, nor was his object the reduction of one or two offices, neither was his intention confined to preventing a few placemen from sitting in that House. No: he looked far beyond these trifling points; and if he carried his motion, he would, on some other occasion, come down to the House and say, "I should not act up to the principles I laid down, if I rested here. I feel that I should deceive you, if I said, that any thing I have done towards excluding placemen from this House was sufficient. Nothing has been done, so long as this guilty parliament, this nuisance, which poisons the source of our prosperity, is suffered to exist. Be true to yourselves, and to the interests of the public, and effect that reform of parliament for which you have laid the basis, by agreeing to my resolution." He protested solemnly against the motion of the hon. and learned gentleman because he had proposed one thing, while, in fact, he meant another. He wished to sap the foundation of the character of parliament, knowing that, if the House were base enough to sign its own dishonour, a dissolution of the present system must inevitably follow. He hoped,

therefore, that the House would immediately pass to the other orders of the day, and not give any countenance to so destructive a proposition. He called on the House the more earnestly to do this, because he gave them not merely his conscientious assurance (which would undoubtedly be a weak ground for them to act upon), but the evidence which was placed on their table, that at the present moment measures were in progress, to search and investigate every office to which the idea of influence could be attached, for the purpose of placing it on the most economical footing. Those offices would be placed on grounds very different from those on which they had formerly stood; and he now gave to the House the best pledge he could, that ministers would not relax in their efforts to introduce a system of the most rigid economy. He would therefore conclude with moving, "That the other orders of the day be now read."

Mr. *Bennet* said, he rose to address the House with considerable diffidence, after the eloquent and argumentative speech of his hon. and learned friend, and the able speech, for so he must in candour call it, of the noble lord. The noble lord had assumed pretty nearly the same tone which one of his predecessors had adopted when Mr. Dunning brought forward his celebrated motion. But, what was the answer of that House to the then minister? The answer then given was the same which ought now to be given. The minister was left in a minority. The country found that the interest of the Crown, in every department of the state, was too strong for the interest of the people, and therefore the House acceded to the proposition. The noble lord had gone through the different departments of the state, and he (Mr. B.) deemed it necessary to touch upon some of them. What, he would ask, was the amount of revenue at present collected? He did not look so much to the amount, as to the expense of its collection, and the influence necessarily connected with it. In 1792, the expense of collection was little more than one million: in 1822, it was between four and five millions. Was it not, therefore, impossible to deny that the influence of the Crown had increased in the same ratio? There were between 18 and 20,000 civil officers, whom the Crown nominated and paid, and who were directly under its influence. Now, would any one be hardy enough to contend, that such an extensive patronage as this might not be used for corrupt purposes? It was a mere joke to suppose that ministers looked about for persons who were the best fitted to fill this or that office; and that no unworthy solicitations were ever made, or attended to, when a place happened to be vacant. How the noble lord could assert this in the presence of so many individuals, the object of whose frequent visits to the Treasury could not be mistaken, surprised him not a little. The noble lord challenged any member of that House to show in what instance the long arm of the Treasury was stretched forth to exert any improper influence. Now, he would, for example, point out two instances. One of these was the Post-office. He happened to have some knowledge of the system of administration there. He knew that in 1780 the patronage of that department was entirely in the hands of the postmaster-general. Now, however, it was wholly and entirely in the hands of the Treasury. In the department of the Customs in England, Scotland, and Ireland, there were about 9,000 persons, and in the Excise, 6,000. There was in fact a large army in the Customs and Excise—a body equal in number to the standing army kept up in this country in the good old times. Was there not also an immense increase of influence in the naval and military departments? The noble lord thought, perhaps, that the spirit of persecution which formerly prevailed, on account of political opinions, did not now exist. But he could point out to the noble lord persons whose military services entitled them to honours and rewards, and who would have received those honours and rewards, if they had sat on the ministerial side of the House. The noble lord asked, "Do you think the political conduct of individuals operates against them in the eyes of ministers?" He would say, "Yes;" and he would tell the noble lord why he thought so. He did not mean to build his opinion on the case of his gallant friend, the member for Southwark, scandalous and revolting as was the treatment he had received. His opinion was founded on the fact disclosed by the papers on their table, from which it appeared that, since the year 1793, no less than 989 officers had been dismissed the service without trial, and almost without accusa-

tion. So much for the influence of the Crown; and it was impossible that such an exertion of power should fail to have an influence. The true proposition which his honourable and learned friend had made out was this, that the expenditure of the government had increased, and with it the influence of the Crown. The noble lord had alluded to Mr. Rose's pamphlet, to show that in former times there were more placemen in parliament. Mr. Rose was not very remarkable for the accuracy of his statements. He had asserted, it was true, that in 1762 there were 96 persons in the House who held places, but on what authority he (Mr. B.) had been unable to find. All he answered for was, that 87 persons were now in the House who held places, though some of those places were merely honorary—as king's counsel, king's serjeant, &c. Yet even these were valuable in a professional way. The 87 persons had amongst them 163,000*l*. There were, moreover, 73 persons holding military and naval commissions—a number greater than was ever known before. It was evident, too, from the words of the questions in the resolutions of former times against placemen in the House, that members holding commissions were included in that description. Another point of view in which it was not possible to avoid putting the question of the influence of the Crown was, its influence through the church? That reverend body always, perhaps from good motives, went with the Crown, even in matters in which it should seem difficult for any persons, having religious feelings, to follow it. Not to speak of the establishment of Ireland—where the nobility parcelled out the lands of the kingdom among the younger branches of their families, under the names of bishops and archbishops—where there was a church of 500,000 Protestants, with a body of ecclesiastics richer even than those of Spain had been—a body of ecclesiastics having less to do, and more to receive than any in the world, there were in England alone, in the gift of the Crown, two archbishopricks, 24 bishopricks, 88 deaneries, 46 prebends, and 1,020 livings. He would ask whether the gift of this enormous patronage had not necessarily an immense effect on the country? He would call their attention to what had been done by the Crown in the purchase of that House. The great creations of peers during the last 20 years had been persons brought out of that House on account of the number of seats which they held there, and which they left to be occupied by their nominees. In 1780, there were 225 peers; and in the discussion on Mr. Burke's bill, it was asserted by the late lord Liverpool, that this number was rather fewer than they were in 1760.* At the present moment there were 378. It might be curious to compare some particular ranks of the peerage at the two periods. In 1780, there was but one marquis, now there were 18. In 1780, there were 78 earls, now there were 109. There were in 1780, 65 barons, now there were 142. It was to be remarked, that this last numerous class was the first step from this to the other House. If they went through the great batches of peers made during the war with France, they would find that in the great majority of instances, the consideration had been political services in that House—the voting for the ministry, or the filling of seats with those who might vote for them. The noble lord had made a general panegyric on the parliament; but he had found it difficult to follow his hon. and learned friend through the specific instances of the degradation of the House of Commons—of their voting against a proposition one day, and turning round at the beck of the minister to vote for it the next; voting in favour of a man when he was minister, and leaving him in a minority the moment he had left office. The noble lord had not adverted to the time when Pitt, Fox, Windham, and all the able men in the House, were sitting on one side, and opposed to the weakest and most confessedly imbecile government that had ever existed in the country. The House of Commons stood by that government; and after having supported Mr. Pitt while in office by overwhelming majorities, left him, when he opposed Mr. Addington, in a minority, in the proportion of one to four. When the noble lord praised the conduct of the parliament during the last war, why did he not look to the general result? They had found the country "a garden of Eden," and had left it "a desolate wilderness." The agricultural interest was reduced, as the noble lord acknowledged, to beggary and ruin. The commercial interest was reduced almost to

* See Parl. Hist., vol. 21, p. 203.

the same condition, and the colonial interest was in a state of confessed bankruptcy. The condition of the country called for a reform in the House of Commons. He agreed with his hon. and learned friend, that there were two ways of reforming the House; the one was, to get rid of the pensioners and placemen in the House; for when they looked back to the lists of divisions, they would find that the votes of disputed millions of the public money had been decided by the votes of the paid servants of the Crown. The other was a reform in the mode in which members were returned to that House. Without that change, it was to little purpose for his hon. and learned friend, as far as that House was concerned, to make those speeches which were so well calculated to instruct and enlighten; he well knew that they were all as waste paper, without a cheap government under a reformed parliament.

Mr. *Stuart-Wortley* said, if the bill of indictment against the House of Commons, which had been preferred by the hon. and learned gentleman, and the hon. gentleman who had spoken last, was a true one, he should feel disposed to become a reformer; and the sooner they began a reform the better. He asserted, however, that the charge against the House of Commons had been made on false grounds, as the hon. and learned gentleman had assumed reasons for the votes of that House, which, if he had read the history of his country, he might have known were not the real ones. The motion of the hon. and learned gentleman, professing to be for the reduction of the influence in the Crown, really did nothing to that end, but went directly to parliamentary reform; as did also the speech of the hon. gentleman (Mr. Bennet) who had recently proposed measures for the reduction of that influence. Now, he would say that there was no need of a reform in parliament, and that the gentlemen opposite might not mean to destroy the monarchy, yet that reform must lead to its destruction. If the influence of the Crown was strong in that House, they should recollect that on all important questions the House of Lords had gone with the Commons, except on one important occasion, when the Commons, having attempted to dictate to the whole country, had been successfully resisted by the House of Lords, supported by the people. To come to close quarters with the hon. and learned gentleman. He had said that the House of Commons having supported Mr. Pitt when in office had, when Mr. Addington was minister supported him by large majorities against Mr. Pitt. The fact was undoubtedly true; but he denied that the inference was correct. The circumstances should be considered. Mr. Pitt having by his influence, and almost direct nomination, placed Mr. Addington as prime minister, for some reasons (which no doubt were satisfactory to himself) turned round and opposed him. He (Mr. Wortley) had said then as he said now, that Mr. Pitt gave no reason to the House of Commons why they should withdraw the confidence they had placed. The House of Commons was not to appoint the ministers of the Crown; it was the business of the House to deliberate on the measures proposed to it, and then only to withdraw its confidence from ministers, when their measures showed them to be undeserving of it. It was said that only 60 persons voted with Mr. Pitt against Mr. Addington; and for a very good reason—no one voted with Mr. Pitt on that question but his own personal friends. The adherents of Mr. Fox for the most part (Mr. Sheridan among them), who were in the habit of attacking the then administration for its imbecility, nevertheless voted against the motion of Mr. Pitt. It ill became those, therefore, who professed to succeed to the party of Mr. Fox, to make the conduct of the majority in that division a ground of blame to the House of Commons. At the death of Mr. Pitt, the government of the country devolved, he might say naturally, on Mr. Fox; he was the great rival of Mr. Pitt, and led the opinions of a great political party. Having entered office, the House of Commons would not have done right if they had not allowed him a fair chance. He thought it a most improper act to give the chief justice of the King's-Bench a seat in the cabinet, and he had been among those who voted against it; but he well remembered how slightingly the matter was treated by Mr. Fox, who declared, that if he was to have an opposition, he hoped they would always take their stand on such a point as that. The hon. and learned gentleman had then talked of the turning of the House of Commons against the same ministry, when they were put out of office for having proposed a measure which had been since passed *sub silentio*. He should remember,

however, the circumstances of the case. The idea was, that the ministry of that day had been determined to press that measure in spite of the scruples of the king. The king having then found it necessary to get rid of them, the question was, whether they should not allow another ministry to carry on the government? He would say more; the people were in favour of the ministry that succeeded them—a fact which the cry of "No Popery," whatever might be said of those who raised it, sufficiently proved.—He now came to the Walcheren expedition; and in that case, he (Mr. S. W.) was in the majority, and was a culprit if there was any criminality. They should remember the circumstances. The time was just after the battle of Talavera; and the impression among the people was, that the gentlemen opposite him, if they displaced the ministry, would not prosecute the war in Spain with the vigour that was desired. Those gentlemen had rather shown exultation at the failure of that expedition, the conduct of which was, no doubt, highly blameable. But it became the House to consider the effect; and if the ulterior results might be mischievous, it did right to support the government. A most extraordinary charge on the House was that for its conduct on the Salt tax, because at one time this session it voted to continue the tax, and some time after, on the motion of the chancellor of the exchequer, it voted its repeal. Now, was a first vote always to be taken as a deliberate vote? In the case of the postmasters-general, on the first vote the House supported the offices; but, having taken time to consider, they voted for the reduction. He himself was in the majority against the first motion, and for the second. The House was taken by surprise on the first motion respecting the Salt tax. In like manner, in 1812, he had thought that the death of Mr. Perceval was a death-blow to the administration, and he had persuaded a majority of the House of Commons to vote an address for the formation of a new ministry. The prince regent thus naturally addressed himself to the leaders of the Opposition party, and was met with, what he must now say were, very unreasonable propositions on their parts. In three weeks the country was tired of this state of things, and thought any government better than none. He (Mr. S. W.) again endeavoured to enforce his proposition; but the mind of the House had been changed: he had himself thought, that the Opposition had become so pledged to the war in Spain, that they were no longer to be considered dangerous as a government. He might now tell the hon. gentlemen opposite, that if the country had had confidence in them, they would have been in office more than once. But they had not only lost the confidence of those who were opposed to their principles, but they were outbid in popularity by others, who were willing to go greater lengths than they could promise. He would not use the words of Mr. Windham, that they "pandered to the base passions of the people;" but he would say, that so long as they attempted to take advantage of the prejudices of the ignorant, they would not have the confidence of the sound part of the country. They now assumed much on parliamentary reform; and the temper of the people was with them. But there was a remedy, which he should be glad if they would apply—frequent discussion of the question there and elsewhere. For the oftener this question was discussed, the sooner, he was convinced, would the people come back to good sense on the question, and see that their safety was in the continuance of the present constitution of the House of Commons.

Mr. Secretary *Peel* rose to rescue his constituents from an unjust imputation. The distinguished body which he represented (the university of Oxford) might, he said, refer for an answer to the imputation, to their general conduct. As to the particular facts mentioned by the hon. and learned gentleman, they did not bear out the specific charges. Those charges, he understood, were founded on the election of lord Grenville, as chancellor, at a particular period; and, on their allowing a measure to pass in silence in 1817, which they had protested against in 1807. When they looked at the high character of lord Grenville—to his attachment to our ecclesiastical establishment—to his general line of policy—to his opposition to the principles which had marked the early part of the French war—when they remembered the station he had held in the university, as one of her most distinguished scholars, and as a member on the foundation of one of the most illustrious of her societies—and when they considered that his opponent was lord Eldon, the lord chancellor—the learned body that chose him stood sufficiently vindicated, both as

to the object and the motives of their choice. As to the measure which they opposed in 1817, it was not precisely the same as that which passed in 1817; but if it had been, the circumstances were changed. The conscientious feelings of his late majesty had been against that measure; and many of those who now zealously advocated the claims of the Catholics, had, up to the death of the king, been on that account professedly adverse to them. The feeling of the country, though not changed as to the general question, had certainly been since that time changed as to the general question.

Mr. *Brougham* briefly replied. He observed, that the right hon. secretary was naturally anxious to preserve the reputation of those who sent him to that House, but he had been misinformed as to the nature of the remarks on their conduct. He (Mr. B.) had not blamed them for choosing lord Grenville. Quite the contrary. He had said, that lord Grenville was a very fit and proper person, for some of those very reasons urged by the right hon gentleman. But he did think, that in spite of all his natural and acquired talents, and of other qualities—all of which in his opinion should be recommendations, but some of which were more likely to be disqualifications at Oxford—if it were not for his near approach to power, lord Grenville would not have been elected. This showed the influence of the Crown out of doors as well as within, and the magnitude of the power it was their business to limit. As to the bill of 1807 they opposed it, not on the score of the king's conscience, but its own merits. He complained much less of those who yielded to those scruples, unconstitutional as such a compliance was, than of those who raised the cry of "No Popery," caring as much for popery as for the king's conscience, and as much for the king's conscience as for the opinions of William the Conqueror. It was the doctrine of the hon. member for Yorkshire, that it was the duty of the House to give its confidence to any ministers until they had proposed some measures that proved them to be unworthy of confidence. This he denied. It was the duty of the House to be satisfied as to the fitness of the persons, before, by their misgovernment, they had led the country into misfortunes. During the last war, the country was, as it were, struggling for life, when France was thundering at our gates, and when the country was torn by civil and religious dissentions. If it was proper at such a time for the House to wait till the country was plunged in utter ruin, he had ill read the constitution. As to the noble marquis, he had left all the sore places untouched, and had gently covered them in general panegyric. A more lame and impotent defence he had never heard. The question did not merely respect places and offices in that House. From that source much influence arose, which was felt in the deliberations and votes of that House. But there was a large debt. For the payment of the interest of that debt a large amount of money must be yearly levied. The collection and expenditure of that money necessarily conferred influence upon the Crown. And to meet that influence, a counterpoise was required. If they would preserve the balance of the constitution, they must introduce changes on the one side equivalent to the changes created on the other. Changes had been created by the debt and its machinery; changes were therefore necessary to be placed on the opposite side of the beam, in order to restore the equipoise. The members of that House must therefore be brought more into contact with their constituents, in order to give to the people the counterpoise required by the principles of the constitution against the influence of the Crown. He called upon the House, if they valued the goodwill and confidence of the country, to restore this counterpoise; for if they turned a deaf ear to the voice of the people, the consequence would be well-founded dissatisfaction, and all the evils which must arise from an entire derangement of our boasted constitution.

The question being put, "That the other orders of the day be now read," the House divided: Ayes, 216: Noes, 101.

List of the Minority.

Abercromby, hon. J.	Calcraft, J.
Allen, J. H.	Calcraft, J. H.
Althorp, visc.	Calvert, C.
Barham, J. F. jun.	Carter, John
Baring, A.	Cavendish, lord G.
Benyon, B.	Cavendish, C.
Bernal, R.	Coke, T. W.
Birch, Jos.	Colburne, N. R.
Bright, H.	Crespigny, sir W. De
Brougham, H.	Crompton, S.
Browne, Dom.	Creevey, T.
Byng, G.	Davies, T. H.
Bentinck, lord W.	Denman, T.
Benett, J.	Dundas, hon. T.

Denison, W. J.
Ebrington, visc.
Fitzroy, lord C.
Fitzroy, lord J.
Frankland, R
Graham, S.
Grant, J. P
Grattan, J.
Griffiths, J. W.
Glenorchy, lord
Guise, sir W.
Gaskell, B.
Hamilton, lord A.
Hobhouse, J C.
Honeywood, W. P
Hume, J.
Hurst, Robt.
Hutchinson, hon. C H.
James, W.
Jervoise, G P.
Kennedy, T F.
Lamb, hon. G.
Lambton, J. G.
Lemon, sir W.
Lloyd, sir E.
Lennard, T. B.
Leycester, R.
Maberly, J
Maberly, W L.
Macdonald, J.
Mackintosh, sir J.
Martin, J.
Maule, hon W
Maxwell, John
Milbank, M.
Monck, J. B.
Moore, P.
Mostyn, sir T
Newport, sir J.
Nugent, lord
Normanby, lord
Palmer, col C.
Phillips, G. jun.
Powlett, hon. W.
Price, R.
Prittie, hon. F. A
Robinson, sir G
Rice, T S
Ricardo, D
Rowley, sir W.
Robarts, A.
Robarts, G.
Rumbold, C.
Russell, lord J.
Scarlett, J
Scott, James
Sefton, earl of
Smith, S.
Smith, W.
Stuart, lord J.
Tavistock, marquis of
Taylor, M. A.
Tierney, rt. hon. G.
Titchfield, marquis of
Tennyson, C.
Warre, J. A.
Western, C. C.
Whitbread, S. C.
Whitbread, W. H.
Williams, J.
Wilson, sir R.
Wood, alderman

TELLERS.

Bennet, hon. H. G.
Duncannon, visct.

PAIRED OFF.

Aubrey, sir J.
Barham, J. F.
Baring, H.
Curwen, J. C.
Ellice, Ed.
Hill, lord A.
Lushington, S.
White, L.
Fergusson, sir R.

HOUSE OF LORDS.

Tuesday, June 25.

NAVAL AND MILITARY PENSIONS BILL.] The Earl of *Liverpool*, in moving the second reading of this bill, said, it would be in their lordships' recollection that in the various discussions respecting the peace establishment, it had generally been represented as too expensive. It had been contended on the other hand, that its magnitude arose from its including charges which did not fairly come under the natural character of a peace establishment, such as the half-pay for the army and navy, which alone exceeded the whole amount of the peace establishment at the close of the American war. Under these circumstances it had occurred to ministers whether it would not be advisable to transfer that charge from the peace establishment to the national debt, as had been done by the French government, and as it was in fact a matter of *bonâ fide* debt. The magnitude of the sum which had thus grown out of a war of twenty-one years' duration, made it a natural consideration whether any relief could be given to the country by an arrangement with the parties themselves, either by purchasing their half-pay for smaller annuities of a marketable nature, or by the payment of a fixed sum at once. There would have been nothing unfair in such a proceeding; for had the parties consisted of a few individuals, they might have been assembled in a room, and the offer submitted for their option. This had been the first idea; but when ministers had looked to its execution they had found it impracticable, from the number of individuals concerned, and the circumstances in which they were placed. For it was not to be forgotten that those individuals might be recalled into service, and that those who should refuse to serve would lose their half-pay altogether. The plan, though founded on a sound principle, was therefore abandoned. The next idea was, how far it was possible to farm the amount of the half-pay, and whether it could be done on terms advantageous to the country. But here another objection arose to the half-pay being paid through any other hands than those of the government. It had been therefore thought advisable to take, on a given number of lives, a given sum to be paid each year, either by a public body becoming contractors or by the scheme now proposed. Such had been the origin of the present measure; and the measure for their lordships to consider was, whether the bargain was advantageous to the public. He contended that it was: the five millions of half-pay were as much part of the national debt as the 800 millions of which it was admitted to be composed. The proposed plan would, at the end of the 45 years, leave the country exactly where it was: the liquidation of the national debt would not be postponed for a single day on its account, whilst the five millions would decline in a manner to make relief progressively greater than it would be at present. It had therefore been determined to take an average sum of 2,800,000*l.* for 45 years, which would go on decreasing till the end of that period. For the first 16 years, the advantage would be on the side of the

public, after that in favour of the contractors. He considered this arrangement to be just and equitable, not only to the present generation, but to posterity. It was, besides, the only mode of coming at once to the diminution of the taxes. Had the five millions of half-pay been kept on the present footing, the sum falling in every year would have been so small, that it would have been difficult to apply it to the relief of taxation. No greater burthen would be thrown on posterity than that assumed by ourselves; but even if that were the case, the country would have been placed in a better state to bear it than it now was, by the operation of the sinking fund and its accumulation by compound interest, which in ten years would raise that fund from 5 millions to 7½ millions. He did not believe that any reduction of taxation which could be proposed would have a considerable effect in relieving agriculture. The people reasoned as though the taking off of a tax from the payers would yield unmixed benefit. But that was not the case: loss might be incurred in another quarter, and no general relief be produced. The noble earl illustrated this doctrine by the example of the reduction of the 5 per cents. It had enabled government to repeal 1,400,000*l.* of the Malt-tax, and had been productive of advantage to the consumers of beer; but it had also taken from about 150,000 individuals one-fifth of their income, and had decreased their means of consumption to that amount. It was certainly desirable that the peace establishment should be fixed as low as possible, but in doing so many individuals must be turned out of employment, and a valuable branch of consumption must be destroyed. So far from the reduction of taxes being calculated to relieve agricultural distress, he conceived that the only measure, and he confessed it would be in the end a fatal one, which could have a direct effect on agriculture, would be a great increase of the public expenditure. If that expenditure were augmented by ten millions tomorrow, the benefit to agriculture would be immediate, though purchased with an ultimate loss to the country. He believed that the present measure would prove useful, not so much in the way of relief, as in contributing to remove the artificial state in which the war had placed us. As it was unavoidable in time of war to contract a debt, so it ought to be the object of government in time of peace, to reduce that debt; and this would be the effect of the present bill.

The Marquis of *Lansdown* said, that having been one of those who had strongly recommended the reduction of taxes, he could not withhold his consent from a bill which would have that effect, at the same time the observations made by the noble earl rendered it necessary for him to qualify his consent. There had hitherto been two modes of proceeding with respect to public burthens: either to increase that which we bore ourselves in order to relieve posterity, or to remove the weight from our own shoulders and place it on those of posterity. It had been reserved for the noble earl to act on both systems at once, by creating a sinking fund of five millions, to extinguish so much of the national debt, and, in the course of the same session, adding 2,800,000*l.* to that debt. This bill created a set of commissioners to sell annuities in the market, whilst there was another set employed in buying them up. The fund market was affected by the same circumstances as markets for other commodities. What would the most common farmer think if, on going to the corn-market, he should find an agent purchasing corn for a gentleman because he had not enough of it, and on moving a little farther, he should find another agent selling corn for the same gentleman because he had too much of it? And yet, only change the names of agent and steward for those of trustees and commissioners, and it would be found that his majesty's government were exactly in the situation of that gentleman. As something was to be gained in the execution of the bargain, he wished to know why the public should not deal for itself, and obtain whatever advantage might be thus produced? In another place, a proposal had been made, which had not been well received, to enable the commissioners for the sinking fund to take the bargain in behalf of the public. Notwithstanding the disapprobation then expressed, a clause had been introduced into the present bill, giving them that power; and he hoped that they would avail themselves of it. Considering the object of the bill to be both legitimate and useful, he should give it his support. He should not follow the noble earl in his remark concerning taxation, farther than to say, that if his principle were carried to its fullest extent, it would not signify

if the whole property of the public were absorbed by taxes, as it would revert to them in some other shape.

The Earl of *Lauderdale* agreed with the sentiments expressed by the noble earl opposite, that the sudden check given by peace to the increased demand occasioned by war, had been the chief cause of the agricultural distress. He then took a view of the proposed measure. It would put annually 2,800,000*l.* into the hands of commissioners, who would pay 4,800,000*l.* into the Treasury, whence the money would go into the hands of individuals, who must expend it in procuring the necessaries of life. Upwards of two millions would thus be taken from the rich, and given to those who would go to market, and create a demand with it. The effect would, therefore, be most salutary. But it would be entirely counteracted by keeping up a sinking fund of five millions, which acted on quite a different principle; for the money paid to the commissioners for that fund, instead of going to hands that would spend it in the market, would be locked up in the purchase of stock. The funds might be raised in that manner; but would the noble earl raise the funds, by taking from the people five millions, which it would otherwise have spent in the purchase of commodities, at the same time that he acknowledged that the great want of the country was a demand? Why should he refuse to give up the sinking fund, and thus increase public industry and consumption? In the time of sir Robert Walpole, the city of London dreaded nothing more than the establishment of a sinking fund. Dr. Price had drawn up three plans of a sinking fund for Mr. Pitt, and had always said that Mr. Pitt had taken the worst. By suspending the action of the sinking fund for a time, the noble earl would increase the expenditure and consumption of the people to the amount of five millions. He would also augment the revenue, and thus afford fresh facilities for reducing the taxes.

Lord *King* said, he had heard a great deal about a sinking fund, but wished to know whether there was one or not; for, until the nine or ten millions due to the Bank were paid off, the money raised under that denomination must go to the discharge of that debt. His noble friend had exposed the absurdities of this bill, but the principle which it contained, that of reducing taxation, covered a multitude of absurdities, and he should not oppose it.

The bill was read a second time.

HOUSE OF COMMONS.

Tuesday, June 25.

CONDUCT OF THE LORD ADVOCATE WITH RELATION TO THE PUBLIC PRESS OF SCOTLAND.] Mr. *Abercromby*, in rising to submit his promised motion, said, he could assure the House, that whenever he rose to address them on any subject, he felt it necessary to solicit their indulgence; but on the present occasion he felt it particularly necessary to claim it; seeing that the subject to which he wished to call their attention related exclusively to the people of Scotland. It was a grievance affecting them alone; but he trusted that on a great public question, the right of the people of every portion of the empire to a redress of grievances would be fully recognized. If he should be able to show, that the learned lord advocate, and his colleagues in Scotland, had connected themselves with the Press of that country, in a way which was incompatible with the duties of their situations—if he should make it appear that a system had been adopted in that country to traduce through the medium of the press, the public and private character of individuals, by means which every man of feeling must detest, and in a manner which no man who was alive to a sense of honour or character could bear—if he could show that this had been countenanced and encouraged by the learned lord and his colleagues—if he could prove that he had abused his high authority, that the forms of the law had been perverted, and perverted from bad motives —if he could prove these facts to the satisfaction of the House, he did expect that they would not allow evils of such a nature to be without a remedy—even though they should exclusively apply to Scotland. In the course of his speech, he would not state any thing which he did not firmly believe to be a fact. He had a narrative of plain facts to support the conclusions to which he should come. With respect to the time of bringing the motion forward, he had given notice of it before the holidays, but had put it off from the 20th until after a trial, which he should assert was most improperly delayed from time to time. The trial was the expected one of William Murray

Borthwick, in which he felt that interest, that he wished to defer his motion until it was concluded; because he naturally expected that it would throw light upon the subject to which his motion referred. The trial was fixed for the 17th instant, but it did not take place. And now that all chance of that was over, he took the earliest day for submitting his statement to the House. He should comprise his remarks under these heads: first, the powers of the lord advocate; next, he would show how that learned lord and his colleagues had misconducted themselves by their connexion with the public press in Scotland. He would then proceed to the case of Mr. Borthwick, which he should prove to be one of unparalleled hardship. After having submitted his statement, he thought that, for the credit of the learned lord himself, the facts should be fairly investigated by a committee; and after that committee should have given its report, then he would call upon the House for a definitive opinion upon the case.

First, with respect to the powers of the lord advocate. For the lord advocate had been claimed all the powers which had long been exercised by the privy council of Scotland. Before the union, the lord justice clerk, the lord chamberlain, and a few other official personages, constituted the executive power of Scotland, and what remained of their power was claimed to belong to the office of lord advocate. That these powers were great was admitted; and, in 1804, they had been boldly claimed by the then lord advocate. Neither he nor any one else knew their extent; and this rendered them the more dangerous; because nothing could be more dangerous than the existence of a power which was not defined. He did not mean to say that the learned lord would exercise all the powers which had once been claimed by the privy council—one of which was, that their authority superseded that of every court of criminal judicature in the kingdom; and that they might bring all parties before themselves for trial. This was a power which he was satisfied the learned lord would not attempt to exercise if he could. But from the existence of this power, which was claimed and exercised by the privy council, one must infer that there were many minor powers claimed, which were not less oppressive in their nature. If the power of the lord advocate was to be limited only by that which the privy council had exercised, there was no act of injustice, violence, and outrage, for which it might not be cited as authority; but, without inquiring whether it extended so far, he would come to what were the powers which it was admitted did belong to the learned lord. He was officially the sole public prosecutor in Scotland. It was true that a private individual might institute a prosecution by consent and concurrence of the lord advocate; but then there were so many obstacles in this way of proceeding, as to throw the whole power of prosecution into the hands of the lord advocate himself. It was also to be recollected, that in his official proceedings the lord advocate was not controlled by a grand jury. He could at all times proceed on his own authority. There were, it was true, some restrictions to his authority with respect to the bringing parties accused to trial, by an act passed in the year 1701. Now what were these? By that act a person accused might, if he pleased, issue a precept to the lord advocate to bring him to trial within 60 days; but the lord advocate might come in on the 59th day, and then "desert the diet—*pro loco et tempore*," and this would have the effect of postponing the trial for 40 days longer. At the end of that time, he might repeat the same process, and thus defer the trial for 40 days longer. So that he might thus arrest any subject in Scotland, and keep him in prison for 140 days. At the end of that time of course he must be acquitted; as it was not likely that the trial would be delayed so long if there was any chance of a conviction at an earlier period. But, where was to be his remedy or redress? Then, with respect to public prosecutions, the practice in Scotland was, that when an agent for the Crown conducted them, the expenses were all paid by him; but in the case of a private individual carrying on a prosecution, he had to pay all the costs if he did not succeed; and in many cases he was not allowed to proceed until he gave security for the payment of all costs in case of failure in the case. He might also, if the defendant chose, be called upon to take an oath before trial, that he was not actuated by hatred or malice, and that he believed all the evidence on which his case was to rest was true. In addition to this, the prosecutor was bound to be present in court during

the whole of the trial. No private individual could prosecute unless he could prove some personal injury. Even in case of murder, he was bound first to prove his propinquity to the deceased, before he could prosecute; and even where an indictment was to be preferred for a public nuisance, it must be by the procurator fiscal, who was, as it were, the lord advocate of his district. The consequence was, that very few private prosecutions were carried on in Scotland, and nearly the whole were thus thrown into the power of the lord advocate. Now, this immense power was exercised by the lord advocate, the solicitor-general of Scotland, and officers who were called advocates depute. These were appointed by the lord advocate. There were generally two or three appointed for a circuit; but the learned lord might multiply himself as many times as he pleased, and appoint an indefinite number in the country. There were some other subordinate officers of his appointment, but he would only call the attention of the House to those he had named.

Now he would ask, whether the possession of so much power ought not to be looked upon with caution— whether, in proportion as it was great, its exercise should not be guarded against partiality and abuse? It was essential, that the man who held such authority in a country, should exercise it in a manner so as to be free from all suspicion, and should take care that he did not so mingle himself up with any transaction, as to become a party to that which might come before him in his judicial character. He did not charge the noble lord with any crime of omission; he charged him with crimes of commission. The learned lord had at his disposal considerable patronage; he had at his command large sums of money; he had also in his power all the sanction of office; and, sorry was he to say, that all these advantages the learned lord had given away, in order to promote a system of gross libel and atrocious calumny upon private individuals. Now, the House would feel that this was an important consideration, when he informed it that the learned lord, in addition to all his powers as public prosecutor, was in Scotland a co-existent secretary of state for the home department, and was in constant correspondence with the secretary of state in England. Everybody would therefore see, how much those might gain by his recommendations, who had the good fortune to be in constant communication with him. In every country the bar attracted to itself much of the talent and industry of the community. This was particularly the case in Scotland. As there was no parliament in that country, the bar was the arena which those whose talents had been improved by education selected for the display of their mental powers and qualifications. The number of persons practising at the bar in Scotland varied from 150 to 200; and upon these individuals the learned lord had at least 80 places to bestow. Now, it was evident, that this patronage would give the lord advocate great influence; and if he employed it properly, it might do much for men of talent and knowledge, and encourage them in their exertions to improve and benefit society; but if he gave it an improper direction, he was inflicting a heavy curse upon his country. Indeed, if he turned it to supporting in the press a system of detraction and calumny, there was no greater misfortune that he could heap upon Scotland, or heavier reproach that he could fix upon himself.

He now came to the facts, to which he particularly wished to call the attention of the House. In the year 1820, there was published at Hamilton, a paper called the Clydesdale Journal, which was afterwards transferred to Glasgow, and published under the name of the Glasgow Sentinel. This paper was at that time nearly destitute of circulation; but as it was thought expedient by some supporters of administration, not to allow it to die away, great exertions were used to create for it an additional sale. A paper was therefore privately circulated in the neighbourhood of Glasgow, recommending it to the support of the friends of government on account of the principles which it professed to maintain. The learned lord had put his signature, with that of several other gentlemen, to the recommendation in question; and in order that the House might be fully aware of the nature of it, he would take the liberty of reading it to them. It was as follows:—"Considering the present state of the country, and of this country in particular, in consequence of the great industry used in disseminating publications which have a tendency to unhinge the principles of all classes, and to render the middling and lower classes discontented and unhappy, we are desirous of encouraging a periodical publication

which may counteract their baneful effects; and, from the experience already had of the Clydesdale Journal, we recommend it to the patronage of such gentlemen as have not contributed to, and may not be disposed to aid, such an undertaking." Now, as the lord advocate had put his signature to this document, the next consideration for the House was, in what spirit and temper this Journal had been conducted previous to the time at which it received the approbation and recommendation of the learned lord? He had seen many of the numbers of this journal entire, and also copious extracts from others, all published previous to November, 1820, on which day the learned lord signed that recommendation; and he would say, that there were libels in them against individuals as atrocious as could well be imagined. The most base, traitorous, and disloyal motives were attributed to gentlemen in that House who generally opposed the conduct of administration. He could also state a case in which the private conduct of a most respectable gentleman near Hamilton had been most unjustly arraigned, and in which motives had been attributed to him, which, had he entertained, would have rendered him incapable of admission into respectable society. He would not ask the House to believe these circumstances on his evidence. He would give them the testimony of a gentleman, who had himself signed the letter of recommendation, who was a person of respectability residing in Hamilton, and who had received a recent mark of favour from his majesty, which he was said to value most highly. This gentleman, in a letter which he had occasion to write respecting this Journal, made use of the following expressions—"You know that I never imagined that 275*l.* would be sufficient to set a newspaper a-going. Whatever merit there may be in the loyal principles held forth in the Clydesdale Journal, it has been greatly injured by the personalities it has directed against the people in Opposition. These can do it no good, and have greatly injured it in the eyes of respectable persons. If the paper is continued, I trust that all such personalities will be avoided in future, and that many other improvements will be also made." The letter was dated the 13th October 1820, one month before the learned lord had affixed his signature to the recommendation of this very journal. Such was the character given of this journal just before the learned lord took it under his especial patronage. How it had been conducted since, was proved sufficiently by the recent trial of Mr. Stuart, the death of sir A. Boswell, and the affliction of his widow and children. It was for the learned lord to show that after he had signed that document, he had withdrawn his confidence and support from this journal on account of the disapprobation which he felt at the mode in which it had been conducted. But the next point for the House to consider was, how the learned lord had signed this document? Was it done openly and without any concealment or mystery? No. A copy of this recommendation, with the signatures attached to it, was enclosed in a letter and sent round to those persons who supported the present system of administration, with so strong an injunction of secrecy, that they were desired to return the copy, after they had read it, to the person by whom it was sent. He understood that 200 copies of it had been circulated in this manner, and that only two out of all that number had not been returned as desired by the writer. There was another circumstance connected with the Clydesdale Journal, which it was proper that the House should know. The learned lord must have known that Mr. Aiton, the sheriff-substitute for Lanark, residing at Hamilton, was the principal writer of the journal in question. Now that gentleman, from his official capacity, was armed with great powers; he was especially charged with the conservation of the peace; he held a judicial situation, and thus might have been called to decide upon actions for damages instituted for libels which he himself had written as editor. Did the learned lord know of this fact, or did he not? [The lord advocate said that he did not.] It was a notorious fact, that Mr. Aiton had avowed himself the author of most of the libels that appeared in that paper. He had begun by libelling the duke of Hamilton—he then libelled his noble friend the member for the county—he then attacked the provost of Hamilton, because he was a friend of the Hamilton family, and he concluded by persecuting every person who was in any way dependent on or connected with it. His conscientious belief was, that the learned lord did know the circumstance: but even if he did not, he (Mr. A.) could prove that Aiton knew that this letter of recommendation had been signed by the

learned lord; and this being the case, what an incitement was it to Aiton, to go on writing libel after libel against all those who differed from his patrons in political opinion? He had not, however, yet done with Mr. Aiton. He would appeal to the secretary of state for the home department, whether there had not been lately introduced into parliament, a bill compelling the sheriff of Lanark to reside personally within his jurisdiction. To that bill he had, from a conscientious motive, given his assent. He had scarcely done so, when he was told by a friend—"You do not know what you have done; your principle may be right, but depend upon it, a person will be immediately recommended by the lord advocate to fill that office." The fact turned out as his friend had stated. A new sheriff of Lanark was appointed, who had as before two sheriffs-substitute; immediately after his appointment, the sheriff-substitute, who resided at Glasgow, was removed from his post. He did not mean to say that the removal of this officer was not right, but he might be permitted to ask whether Mr. Aiton had been also removed? No such thing: he was still sheriff-substitute residing at Hamilton, though he had avowed himself the author of so many gross and scandalous libels. He must say, that there was nothing to excuse the learned lord's conduct, in not removing that individual from his present post; and from holding him up to the public, as a person unworthy to discharge any public, much more any judicial situation. To keep him in his situation was not only to encourage him to proceed in the course of slander and calumny which he had already adopted, but to induce others to start as competitors in the same evil race.

These were the main facts which he had to detail to the House, with regard to the Clydesdale Journal. He now came to the case of a paper somewhat better known—he meant the Beacon. In January, 1821, a resolution was taken by the learned lord and some of his friends to establish a paper in Edinburgh, to be called the Beacon. The first step which they took was to procure a large number of subscribers to it. By the constancy of their exertions, they procured a list of 800 subscribers, which was a greater number than had ever been known in the case of a newspaper established in Scotland. This number of subscribers could only have been got together by the active influence of the learned lord. The first thing the subscribers did, after they had found an editor, was to persuade sir W. Forbes and Co. to open a banking account with him. Sir W. Forbes, for some reason or other, thought it right that the amount of this banking account should be guaranteed to him; and accordingly it was so by a number of gentlemen, whose names he held in his hand. He should confine himself to reading the names of those who filled judicial situations, from a summons of damages brought against them by Mr. Gibson, whom the Beacon had most foully traduced and libelled. Amongst them were the names of sir W. Rae, lord Advocate; James Wedderburne, solicitor-general; John Hay Forbes, sheriff-depute, Perth; John Hope, advocate-depute; sir Walter Scott, Clerk to the Court of Session, and sheriff-depute for Selkirk; —— Arbuthnot, Lord Provost of Edinburgh; and of W. Home Drummond, M. P. for Stirling, and also Advocate-depute.—After commenting on the impropriety of these persons combining to support a paper, which, in every publication, teemed with the most gross and offensive libels, and stating that it was aggravated by the circumstance of their all holding judicial appointments, he proceeded to read to the House the conditions of the Beacon bond, and contended that it was not an ordinary bond, but a bond of credit, which must necessarily remain in existence so long as there was an account kept with sir W. Forbes and the editor of the Beacon. He would admit that the subscribers to that bond had signed it in the expectation that they should never be called on to pay a farthing upon it; and likewise that they did not wish to participate in the profits of the Beacon, though they had rendered themselves responsible for its losses. But admitting this, he must contend, that whether they intended it or no, they had made themselves the proprietors of the paper, and were therefore responsible for every thing it contained. Now, the learned lord having done thus much to set up the Beacon, and an editor having been obtained to conduct it, the next thing to consider was, how had the paper been conducted? He would tell them, and that not upon his own authority, but on the authority of one of the original subscribers to the bond. Very soon after

its publication, this gentleman, finding that it dealt in the most unjustifiable personalities, sent a letter to the editor remonstrating against them, and advising that a fairer mode of political controversy should be adopted. His advice being disregarded by the editor, the gentleman withdrew his name as a subscriber, and never allowed it to come again into his mansion. He might, perhaps, be asked, why this gentleman, who disapproved so much of the Beacon, did not withdraw his name from the bond? He would not pretend to state the motives of the gentleman in question, as he did not know them; but he would answer the question as he thought that gentleman would answer it if he were put upon his oath—"I could not venture to withdraw my name from a bond which was signed by the lord advocate, and so many of the king's counsel, without exposing myself to considerable injury in my professional career." As to the manner in which this paper had been conducted, he would refer hon. members to the paper itself, and the enormous mass of libel which its pages contained. Some of them were written in a style of clumsy irony: others in the shape of prosing metaphysical dissertations. The most clever of them were imitations of old Scottish ballads, which he could not read properly to the House, and which, if he could, he was sure the House could not understand. After the system of defaming and slandering all persons politically opposed to them had gone on for some time, the learned lord and his colleagues were at last detected as the proprietors of the paper. The moment that circumstance was known, it became impossible for the Beacon to exist any longer: the parties supporting it were so beset by personal responsibilities and claims of satisfaction from individuals who had been maligned in it, that it was totally impossible for the paper to survive the discovery which had been made of the names of its proprietors. That fact of itself spoke more against the respectability of the paper, than all the invectives which it was possible to bestow upon it.

He would now proceed to state certain circumstances which were connected with the failure of the Beacon. In August or September last, a correspondence took place between the learned lord and a gentleman who had been slandered by the Beacon; and in that correspondence, the learned lord was accounted responsible for the articles which had appeared in it. In that correspondence the learned lord entered into a defence of his conduct; and if he could satisfy the House that it was sufficient, either in a moral or a legal sense, or that it was becoming a man holding a judicial situation, then he would agree that there was no ground for his motion; but if the learned lord could not satisfy them upon those points, then he thought that he was entitled to call upon them to agree to the motion with which he should conclude. Here the hon. and learned gentleman read the following extract from a letter written by the lord advocate to Mr. Stuart:—"The obligation to which you refer," meaning the bond, "was acceded to by me at the first establishment of the paper in question; and if you suppose that it was at all in contemplation either with me, or with any of those who signed the bond, that that publication was to become the vehicle of attack upon private character, you are much mistaken. It was the political principles which it proposed to espouse, that we alone declared, or meant to declare, our approval of. With respect to the conduct of that paper, I can safely assert that I have no sort of share in it. During the greater part of the period it has been published, I was in London. On coming to Scotland, I understood that actions of damages had been commenced, or were threatened, against the editor on account of articles, most of which I had never seen. Conceiving that any interference on my part with this publication at such a moment would connect me with it in a way which I did not think fitting, I kept entirely aloof from its concerns. You will say that, if I disapproved, I might have withdrawn my name from the bond. But even supposing me to have entertained the same sentiments regarding the conduct of that paper which you do, I should have considered such a step, pending judicial proceedings commenced and threatened, as unfair towards one of the parties, and that it might have subjected me to the imputation of some wish to free myself from the consequences of the pecuniary obligations under which I had come." From this letter it appeared, that the learned lord disclaimed all attacks upon private character, and likewise all interference with parties who were likely to come before courts of justice. The declaration was a noble one; but against

it, he would put in opposition a long series of his acts. The House would recollect the character which belonged to the "Glasgow Sentinel," previous to the learned lord's recommendation of it, and down even to the present hour: it would also recollect, that the learned lord had the fate of the Beacon in his hands, during all the time that it was running its course of slander and infamy, and that he could have extinguished it at any moment he thought fit. Now, unless the learned lord could prove that there had never been, either in the "Clydesdale Journal," the "Glasgow Sentinel," or the "Beacon," any attack upon private character—unless he could show that he never signed a recommendation in favour of the first of these papers, or signed a bond to support the last—and unless he could also show, that having discovered the real character of those papers, he took active steps to withdraw his support and patronage from them, it availed the learned lord nothing, that now when he was detected, he said, "I dislike all attacks upon private character, and have never made myself a party thereto." The learned lord must be judged like other men, not by his declarations, but by his continued acts from Nov. 1820, down to Sept. 1821,—by his recommendation of the Clydesdale Journal—by his subscription to the Beacon—that paper which derived its existence from the contribution of his money; its extinction from his withdrawal of support.

So much for the first part of the learned lord's defence! In the second part, the learned lord said, that he was in London during the greater part of the period during which the Beacon was published, and that he had never [illegible] the greater part of its most blameable articles. Now he was ready to prove, that all the numbers of the Beacon published during the time the learned lord was in London were regularly transmitted to him. He could not, indeed, prove that the learned lord had read them; but he thought the presumption was, that the learned lord had read them. The learned lord likewise said that he had no share whatsoever in the conduct of the Beacon. Now, it happened singularly enough to him (Mr. A.) the other night, that after he had heard the speech of the learned lord upon the Scotch Jury bill, he went home, and as he always took a great interest in the Beacon, turned over its pages until he was attracted by a paragraph headed "Mr. Kennedy's Scottish Jury Bill." On reading the paragraph he thought he had heard similar doctrines propounded lately: he proceeded, and felt his conviction of that fact growing stronger and stronger every minute; until at last he found that he had got the learned lord's speech against that bill, argument for argument, topic for topic, illustration for illustration. A similar coincidence was likewise to be found between some remarks in the Beacon on the bill to prevent cruelty towards animals and a speech made upon it by the learned lord. He therefore left it to the House to judge whether the learned lord had no sort of share in the management of that paper.—The learned lord appeared to have some reluctance at the time he wrote the letter which he had quoted to withdraw his name from the bond; but he was afterwards obliged to do so under circumstances which indelibly fixed upon him and his colleagues the whole disgrace and infamy of the thing. Indeed, the fact was, that though on the 15th of September he refused to withdraw his name from a fear of prejudicing one of the parties in a court of justice, not ten days afterwards, he did withdraw it, but not until the whole secret and mystery of it had been fully unravelled. Such was the defence of the learned lord in a moral point of view. He would now consider it in a legal point of view, and as applicable to the high situation which the learned lord filled. He was sure that the learned lord could not dispute, that by the Beacon bond, he and his colleagues had made themselves proprietors of that paper; and having done so, it would be in vain for them to say that they were not responsible for every thing that appeared in it. What would the learned lord say, supposing an individual whom he was prosecuting for a libel was to say to him, "I am not only ignorant of the nature of this libel, but am averse to its very existence. It has been published by my agents, not only without my knowledge, but contrary to my express injunctions?" Would he not reply: "You knowingly made yourself responsible for every thing published by your agent, and your ignorance of the libellous nature of this publication can by no means shelter you from the consequences of disseminating it?" That this was strict law, had been established in the celebrated case of captain Johnson. But how could the noble lord ever use that argument in

future? If he did, what answer could he make to the individual who should wield against him the very argument which he now wished to employ in his own defence? He could not see how the learned lord could extricate himself from the dilemma to which such an argument would necessarily reduce him.

The hon. and learned member then proceeded to remark upon the strange situation in which the learned lord was placed, in appearing as the public prosecutor of Mr. Stuart for the death of sir A. Boswell. What must have been his feelings, whilst he conducted that trial, upon recollecting that it was the system promoted by the money and the patronage which he had given to the Sentinel and the Beacon that had compelled Mr. Stuart to resort to the vindication of his injured honour? He was about to state a case in proof—that the manner in which the Beacon was conducted had led to a violation of the peace, and to this end he should read a short extract from that paper. [The passage was to the effect, that the readers of the Beacon would observe a change in the name of the publisher of the paper; that this circumstance was caused by Stevenson's having been that day called upon to keep the peace for the space of 12 months, and under large recognizances; and that as it appeared, that the same acknowledgment in proof of his being the publisher as had hitherto been made might lead to what would, perhaps, be considered a breach of the peace, it was found no longer expedient to retain him in that situation.] So much for the probable breach of the peace. He would come now to the actual one—to the more serious charge of the parties in this paper having done that which led to the commission of murder. A distinct notice was given in the Beacon, of its being at all times ready to give full satisfaction—of its being at all times ready to give up names, and to offer "full satisfaction." The notice ran thus: "We abhor all concealment, and should consider it quite unworthy of the cause in which we are engaged." It went on to declare, that they would never refuse to name the writers of articles to the parties concerned in demanding them, upon their being asked for; and therefore, as they disdained all concealment, and were ready to give full satisfaction whenever required, it must be acknowledged that their paper of all others was conducted on principles the most gentlemanly. But this was not all. He must beg to refer the House to one of those transactions in which it appeared that the person the most deeply interested in favour of this paper had committed himself in a manner the most extraordinary; and why such conduct had not been prevented or prohibited by those who had authority to interfere, he was at a loss to understand. In October, 1821, after the most gross abuse had been for some time lavished upon him in the Glasgow Sentinel, Mr. Stuart thought fit to bring an action against Robert Alexander and W. M. Borthwick, as the publishers of that journal. Of the grossness of that abuse, the House might judge by the following extract. The passage was an allusion to some personal encounter that had taken place between Mr. Stevenson and Mr. Stuart. "What did Mr. Stevenson do to take amends for this gross outrage on his person? Just what any gentleman of his respectability should have done, and what no person of the least claim to the character of a gentleman could have avoided. He sought satisfaction from his antagonist. But, oh, shame to the dishonoured blood of the house and name of Stuart—he, with a meanness, only discernible in low life and in humble society, sought his personal safety in the most glaring cowardice. The blustering and the passionate are always in the rear of danger. James Stuart was consequently posted as a coward and poltroon. The very rabble and oyster-women in the streets of Edinburgh read the label, mused upon the circumstances, and blushed for their patriot. 'We are not the advocates of duelling, God forbid!"

The next part of these proceedings upon which he should touch, was, perhaps, the most important of all. It imposed upon him the necessity of referring, in the first place, to a paper, subscribed to which he found the names of two lords advocate-depute. Mr. Stuart brought his action as he had already said. In the course of the proceeding it became necessary upon the condescendence given for Mr. Stuart in this action, for the printer and proprietor of the Sentinel to give in their answers. These answers were accordingly given in. Upon this case the two learned lords depute had given an opinion, "that the passages libelled were not without sufficient provocation given; and were within the fair

and ordinary limits of newspaper discussion." The answers of the respondents were these—"The respondents generally deny the truth of the libel. They affirm that the statements in the newspaper complained of are true. They offer to prove, by the evidence of persons of high character and skill in the laws and practice of honour, that the conduct of the pursuer, in regard to the affair with Mr. Stevenson, was most ungentlemanly, and deserving of every condemnation." This paper was signed, "For D. M'Neil, John Hope." He would not suppose that these persons could ever hope that such a paper as they had put on record, could for one moment be listened to by any court in this kingdom. He could not imagine that they were ignorant, that they were aggravating the offence, by putting on record this sort of defence. But those learned lords who had signed the opinion had done more. They had recorded their disposition to countenance and support those who were the writers and the publishers of libellous remarks, that were calculated to lead to bloodshed and murder. This particular action seemed never to have been regularly brought before the court of justiciary. But if the House looked at the period at which this "gentlemanly" paper, that succeeded the Beacon, put forth the passages libelled, and then referred to the opinion of the two learned lords depute, they would find that the learned lords put this defence on record at a time when they were not sure but it might be their duty, on finding the same parties brought to trial again, to hear their case.

But, important and astonishing as the facts were which he had already mentioned, having shown that the learned lord had disqualified himself by his own acts from doing justice to the high situation which he filled, he had yet that to state of the conduct of that learned lord, in direct connexion with his judicial capacity, which did, in his opinion, clearly establish the strongest proof of oppression and injustice. It was the case of William Murray Borthwick. This person was the proprietor and editor of the Clydesdale Journal, in November 1820, when he first had the honour of receiving the countenance and protection of the learned lord. Borthwick had at that time some connexion with a person named Alexander. Sometimes he seemed to have been a partner; at others, to have been employed on the paper at a fixed salary. However that might be, in November 1821, they were publishing the Sentinel at Glasgow, under the firm of Alexander and Co. It was not very clear how this connexion was first broken. Thus much at least was certain, that Borthwick was very much dissatisfied, and proposed dissolving partnership. In the same month of November, 1821, Borthwick and Alexander entered into an agreement to that effect, accompanied by the conditions, that Borthwick should receive 20*l.* in money, and 90*l.* in bills upon good security. These bills were to be paid on a day named, and to be delivered before the 8th of December. Alexander accordingly paid him the 20*l.*, and gave him one bill for a small amount; whether that was a good one or not, did not appear; but on the 18th of December, Borthwick not having been able to obtain the fulfilment of the conditions, instituted a proceeding before the magistrates at Glasgow, with a view of having the contract carried into execution; or, in case of not procuring the fulfilment of such contract, of being re-instated in the possession of his property. Now, on the very day that Borthwick gave notice that he would so proceed, Alexander took the necessary steps for advertising the dissolution of the partnership between them. Judgment was pronounced by the magistrates at Glasgow on the 14th of February following. They ordained, that within six days of that date Alexander should deliver to Borthwick the bills concluded for in his petition; or, failing to do so, then they decerned the other alternative. That alternative was, the taking possession of his former property and interest in the paper in question. Borthwick, however, declined to take possession on the 20th of February as he was entitled to do; but on the first of March, armed with his judgment, he entered on the premises where the business was carried on, and remained there for ten hours. He carried with him his own key, and opened with it the safe, of which he was thus the legal proprietor. He took those papers which it seemed fitting to him, as the proprietor of the concern, to carry away, and returned home, after this "robbery" (if it could be so called) of his own office. From the 20th of February to the 1st of March, Alexander took no steps to impeach the acts of Borthwick. But without impeaching the judgment, trumped up a

story of a debt—since proved to be utterly unfounded—and, on the 2nd of March, procured Borthwick to be arrested for it. Borthwick was imprisoned in the gaol of Glasgow, and liberated on the 10th of March. The course which Borthwick took, after getting possession of his papers, was, within a very few minutes, to record his own act in Glasgow. The mode of committing this theft on his own property in the mean time had not been unknown to Alexander and the other parties concerned in the paper. But on that same day that Borthwick was thus liberated, another step was taken by Alexander. He charged Borthwick with a theft. When a charge of this sort was to be proceeded in it was to be done in one of two ways—either by the procurator fiscal taking on himself the responsibility of the proceeding, or by the party, the pursuer, acting with the approbation and cognizance of the procurator fiscal. Now, when the charge in this case was first made, it was in the name of the procurator fiscal alone, without any mention of Alexander. When the paper was brought before the procurator fiscal, it was remarkable that he signed it with the addition only of the word "concurs." The inference to be drawn from this was, that the procurator fiscal was so struck with a conviction that there was not the least foundation for the charge, that he did this in order to relieve himself from the responsibility of appearing to have given any weight to it. But the only magistrates before whom Borthwick was brought or even could be, on this account, were the magistrates of Glasgow. Their verdict was, that no grounds whatever were laid for the charge, and accordingly they dismissed him. From Glasgow, Borthwick went to Edinburgh and Dundee. At both those places he lived without any view to concealment. A legal proceeding was, some time after instituted at Edinburgh against the paper by Mr. Stuart, but as the House were already aware of these transactions and their consequences, he would not detail them. The proceeding appeared in the first instance to be limited to the obtaining possession of a paper. In the mean time the duel between sir A. Boswell and Mr. Stuart was fought; and here a new course of things would open on the attention of the House. It was proper to premise that in the proceedings that took place before the sheriff at Edinburgh, every part of those which had been had before the magistrates of Glasgow was opened to him; that the counsel for Alexander was Mr. D. M'Neil; and that the lord advocate was fully cognisant of the whole affair. Mr. M'Neil knew that Borthwick had taken possession of the paper in question under the authority of the magistrates at Glasgow; that he had subsequently been called before them, and was by them acquitted. On the 3rd of April, Borthwick was arrested at Dundee, under the apprehension, as it had been stated, that being obliged to fly from justice, he was about to proceed to America. For a man intending to go to America, it certainly did not immediately appear that the best way he could take was to proceed to the eastern coast of Scotland. Borthwick, however, was arrested, manacled, put in irons, which were too small, and produced to the unfortunate individual the greatest suffering imaginable. He was compelled in this condition to cross a public place between two men who were armed, appearing as if he were the most desperate of malefactors. Between these two persons, armed with pistols, Borthwick was conveyed into a post-chaise, and brought to Edinburgh. There he was imprisoned, and all access to him denied. In Edinburgh gaol he was treated as the worst of malefactors. He applied for bail, and was opposed, and it was at length refused. Upon the 6th of April he was indicted, the lord advocate being his prosecutor. The day of trial was fixed for the 24th of April; but when he came into court to take his trial on that day, the public prosecutor-depute, Mr. John Hope, did not think fit to bring the case on. Every effort was made by the counsel of Mr. Borthwick to induce him to bring it on, but in vain. Borthwick himself expressed his great anxiety to be tried, conscious of his own innocence. The representative of the lord-advocate, Mr. John Hope, this public prosecutor, on the day appointed for the trial, deserted the diet, *pro loco et tempore*, saying he was not inclined to try this man. All the circumstances, however, which had just been stated to the House, were known to Borthwick's prosecutors; they had not undergone the slightest alteration; so that there was nothing on the score of novelty in the case to be pleaded. Yet Mr. John Hope said, "I will not try you; but I have still my 40 days left;" and in his mercy and kindness was pleased to say to Borthwick,

still in imprisonment, "If you choose to go out on no small bail, I will not object." Borthwick's counsel replied in a way which might serve to show what the honour and tenderness really were which actuated the law-officers in making this proposition to his client. Be it always remembered that that client was accused of stealing his own property. When he saw so many grave authorities arrayed against him, he might well look with some suspicion at their proffered tenderness. Mr. Cockburn, the counsel for Borthwick, said, "I can not advise my client to take the benefit of Mr. Hope's offer; for if he does, he loses his chance of getting finally rid of this charge under the act of 1701." His only chance of doing so was, to act under the proceeding that had been taken out against him by the lord advocate; and the utmost farther length to which that could then endure was 40 days. Therefore Borthwick wisely chose to say, "I will remain in prison, and rather put my trust in the protection of an act of parliament than accept the offer of the lord advocate." Mr. Hope afterwards contended, that the law of Mr. Cockburn, who had so well advised his client, was quite wrong. But Borthwick decided to remain in prison till the expiry of the 40 days. Previously to this, he had been removed from the gaol in Edinburgh to that of Glasgow. After the 40 days had passed, Borthwick, finding that no charge was attempted to be brought against him, applied to the justiciary court for redress, and pleaded, that, under the act of 1701, he was entitled to be discharged. So said the judges, too; and an order for his liberation was actually given. But on the same day, and after it was known that such order had been given by the lords of justiciary, application was made to them, setting out that a charge had been brought against Borthwick by Alexander with the concurrence of the learned lord; that charge being the same in its nature, though somewhat varied in its form, with that which the magistrates of Glasgow had already heard and dismissed, and which those parties dared not to bring against him. After this, Borthwick was subjected to a series of persecutions. The learned lord might say "I had no option—I was not bound to give my concurrence." He (Mr. A.) had already shown in how few instances this concurrence was resorted to in Scotland. He had referred to some authorities on the subject, and among others to Hume on the criminal law of Scotland. He would put Borthwick's case to the feeling and sense of the House. This was a charge proved to be utterly false; and after all these proceedings, when the day of trial came, the learned lord refused to go on. But it appeared that the lord advocate was so trammelled in his situation, that he was obliged to refuse his concourse! Good God! was the lord advocate all-powerful in every thing but in standing between oppression and the oppressed? Was he only to be the instrument of, not the defence against, persecution? He conjured the House to recollect, that all these proceedings took place in a country where there was no grand jury—where the learned lord originated all prosecutions on his own responsibility. He begged leave to ask the learned lord one question. If he thought Borthwick innocent at Glasgow, and he did not choose to proceed against him, why did he not discharge him? If he thought him still guilty, why did he allow Mr. Alexander to interpose? The answer spoke plainly for itself. The learned lord knew that there was no foundation for the charge, and that it arose out of nothing but the spirit of persecution. Such was the case with regard to Borthwick, with this single exception, that immediately after Mr. Stuart's trial was concluded, Borthwick was released. Within 48 hours, without any trial, without an opportunity of facing the learned lord, or of appealing to a jury, he was discharged after 70 days' confinement. It was worth while to trace the connexion of this injured individual with the learned lord. In 1820, he wrote to him that he should be happy to get government advertisements into his paper, but could not see how it could be done; and in the same year he signed a recommendation of the journal conducted by Borthwick. The instant, however, that this unhappy man became instrumental in exposing calumniators and slanderers, he was arrested at Dundee, put in irons, and treated with unusual, with unheard of severity. A day was fixed for his trial; the learned lord and Mr. Alexander jointly proceeded against him; but when Mr. Stuart was acquitted, Borthwick was set free. Could any man, then, hesitate in saying that there had existed a strong desire to create a prejudice against Mr. Stuart on his trial by these steps against Borthwick? It could not be forgotten how the press teemed with paragraphs copied from

the government journals in Scotland, alleging that Mr. Stuart became improperly possessed of the papers, in order to augment that prejudice. The attempt was to implicate Mr. Stuart, and it formed a prominent part of the indictment, which, in the opinion of the lord justice clerk, was not only not proved, but absolutely disproved. A very convincing part of the case was what took place on that trial. Whenever a witness was examined, up sprang a counsel for Mr. Alexander to require that the witness might not remain in court after he had been examined, lest he should hear what others might depose, and adding, that all of them would have to be called again on the next Monday. Who was the individual that made this request? The learned lord would not deny that he was very frequently employed as an assistant in the office of which he was the head. But whether this were or were not so, there sat the learned lord, taking care that the prejudice should be kept alive to the latest moment. If such abuses as these did not justify inquiry, it was impossible that any case demanding it could be made out. If the House did not inquire, it must be dead to every feeling of justice, and lost to all sympathy with the oppressed. Without investigation of such matters, there could be no real liberty, for it was impossible to conceive a more direct inroad upon it, than such a cruel persecution under the forms of law.

He put it to the House, whether he had not now redeemed his pledge, when he asserted that justice had been perverted for bad purposes. He wished the House to grant inquiry for many reasons. First, because as a Scotchman, he was anxious that ministers, the House, and the country, should know how Scotland was governed. Secondly, for the sake of the learned lord himself: for he could not be deemed free from taint and imputation, unless a full, fair, free, and impartial investigation took place. He would here mention, that there were such persons as Mr. Gibson and Mr. Cheape, and with their assistance, he thought he could make out a ground which would ensure him the support of the learned lord himself. Mr. Gibson brought an action against Mr. Cheape, a gentleman of the bar, stating him to be the real editor of the Beacon, and against another person of the name of Gibson. This action was no sooner commenced, than a most ingenious device was thought of. An action was brought by Stevenson against a man of the name of Nimmo, a journeyman engaged in the office at 25*s.* a week, upon the allegation that Nimmo was bound to indemnify Stevenson against the consequences of the actions for damages brought against him by a noble lord, (A. Hamilton) and Mr. Gibson. On the very day this fictitious action was brought, Nimmo took his departure from Edinburgh for Paris, where he still remained. Without going into detail, he would tell the learned lord, that if he thought the good opinion of his fellow-citizens of any value, it was of the utmost importance, that he should submit both Cheape and Nimmo to examination. He never should be satisfied of the rectitude of the learned lord, unless Cheape and Nimmo were so submitted.

He had now concluded his statement, with the exception of one point. Some time before the Beacon was established, the Edinburgh Correspondent received the regular support of the learned lord: a great portion of the influence of government was used in its favour until the time of the Queen's trial, when the editor found some reluctance to insert all that was required of him. Displeasure was accordingly expressed, and afterwards the Beacon was set up, the Correspondent sustaining great loss by the withdrawing of the support it had before received. Subsequently, the friends of the learned lord again turned their attention to the Correspondent, but some unwillingness was displayed to libel the noble member for Lanark, and Mr. Stuart, and the articles were returned. Nevertheless, negotiations were continued, with a little more caution, indeed, than in the case of the Beacon. The negotiation was undertaken on the part of certain individuals, and in some degree respected the point to which personal abuse and scurrility was to be carried. The main question was, who should be the editor? and it naturally seemed essential that he should be a person not known in Edinburgh. They retained some degree of partiality for the old system of the Beacon, and as it was desirable to have an editor who would also perform the part of a bully and a bravo, they pitched upon an Irish student. Afterwards they made a change for a gentleman from Oxford. This was one part of the case to which he should proceed, if the House granted

a committee, and in all these transactions respecting the Correspondent he should be able to connect one or other of the Crown counsel as a principal actor and mover. These events were quite recent. He was sorry to have been under the necessity of addressing the House at such length, but he entreated it to recollect that on this occasion it was the arbiter of the fate of Scotland. The present appeal was made to it because it could be made to no other quarter; and he was greatly mistaken if it would not, by its vote, decide that he had made out a strong *primâ facie* case, requiring a full, fair, free, and impartial inquiry. He had endeavoured to show that these proceedings were conducted upon system; that the papers he had named were patronized, encouraged, and maintained by persons holding situations which ought to have prevented their interference; always referring to the learned lord and his colleagues as public prosecutors. He had shown that the district of Hamilton had been overrun with libels; that the town, formerly the abode of peace and concord, had been distracted by heart-burnings and political animosities, and that the conservator of the peace had been the fomenter of the dispute. So extensive and powerful had been the effect of the example, that from Inverness to Dumfries, newspapers had been established more or less upon the plan promoted by the learned lord; and he regretted to add, that in some instances clergymen were concerned in them, though, generally speaking, they were supported by borough magistrates, and by persons holding inferior situations in the law, and who looked up to the learned lord in his double capacity of secretary of state for Scotland, and lord advocate, for recommendation and patronage. He entreated the House to recollect, that the death of sir A. Boswell was not the only result of this system of personal calumny. Mr. Scott, a gentleman of education and character, had fallen a sacrifice to Scotch libels; this death only seemed to give slanderers fresh vigour and fresh venom. The first victim of their malignity had fallen the first victim to their pistols; and hence they concluded that they might proceed with impunity. He asked the House to pronounce no opinion in the outset, but he thought he had shown a sufficient ground for inquiry. He therefore moved, "That a committee be appointed, for the purpose of inquiring into the conduct of the lord advocate, and the other law officers of the Crown in Scotland, with relation to the public Press, and more especially to inquire into the prosecution carried on against W. Borthwick."

The *Lord Advocate* said, he felt it a painful duty to be obliged to rise upon this occasion. There were few men whose conduct had been so arraigned: he believed it had happened to no man before him to be thus arraigned before the Commons of England. Nothing could be more difficult than the task which he had to discharge upon this occasion. He felt that in approaching this discussion, his character, credit, and future happiness were at stake. But, while he said this, he did not mean to complain either of the manner or the time of bringing forward this motion. He certainly was not prepared, from the nature of the notice given by the learned member, to expect such a statement. He thought from the notice, that there would be merely a general inquiry into the Press of Scotland, and no more. When Mr. Whitbread made a motion respecting the lord advocate of that period, he first moved for certain documents, which put the House and the country in possession of the charge; and the lord advocate was fully prepared to meet it. With him, however, it was different: he now heard, for the first time, many of the charges which he was called upon to answer. He did not, however, complain of this, but he must be pardoned for saying, that he owed the learned member no particular obligation for the course he had pursued. Still he entertained no hostile feeling: he knew the learned member's brother well. Of the learned mover he had no other knowledge than as a member of that House, and an able advocate at the bar; and he was sure that the learned member's character was not likely to suffer from the able manner in which he had introduced his motion. But, in common fairness, the charge ought to have been brought soon after the alleged offence. All the facts were made public ten months ago. In August, 1821, the Correspondence was known to the world. During this interval, it had been said all over Scotland, that he did not dare to face the House of Commons. But, though he had been present on the first day of the session, and for two months afterwards, the learned member had given

no hint of his intended proceeding. It was not until the day before the Easter recess that the undefined notice was given—three days after the unfortunate affair in which sir A. Boswell lost his life, when public feeling was most roused regarding it, and when discussion seemed least of all proper. Thus it remained until the day was fixed, when he had intimated his intention of going down to the trial: then, and not till then, was a day named, and he had proceeded to Scotland with it hanging over his head. Surely, if at all, it was the duty of the learned gentleman to have brought forward his accusation before that important trial; for if he had disgraced his office, he was unfit to discharge a duty so responsible. He had always concluded that the case was to be limited to his own acts and deeds: he did not imagine that it was to include his friends; and as the complaint extended both to his personal conduct and to his official character, the motion ought to have been divided into two parts, that each might be separately answered. He begged farther to remark, that he hardly came before this synod fairly. For the last fortnight the press had teemed with matter obviously intended to affect the minds of members; but he felt confident that the audience he was addressing would dismiss all such matters from their recollection, and would decide the question on its fair and honest merits. If the learned gentleman could postpone his motion until the present day, surely he might have delayed it a little longer. At this moment a suit for 10,000*l.* was pending against him in the Jury Court, as a proprietor of one of these newspapers. It was to come on in the beginning of the ensuing month, and then it must be decided whether he was or was not responsible. The learned gentleman had named many other individuals and among them the solicitor-general of Scotland, Mr. Hope, Mr. M'Neil, Mr. Cheape, and Mr. Aiton, and their case was peculiarly severe, because it was necessarily intrusted to him, when he had had no means of communication. —The learned lord then proceeded to advert to what had fallen from Mr. Abercromby on the subject of the powers of the lord advocate, and contended that the prosecutions which, by the law of Scotland, he originated, had of late years been extremely limited. This fact showed that the general feeling was, that the powers had been faithfully, honestly, and beneficially executed. He also asserted, that the numbers of persons brought to trial in Scotland had been diminished, and were now fewer than in any other country of the same extent of population. In truth, the lord advocate brought no man to trial unless there were ample grounds to convict him. He contended farther, that by the Scotch law, the lord advocate could only imprison for 100 days, and not for 140 days, under the act of 1701. At the end of 100 days, the person charged with a crime might compel the lord advocate to bring him to trial. In England, if an offence were committed the day after the assizes, the criminal might remain in jail for six months without trial. He now came to matters of fact.—He was charged with a connexion with three newspapers. As to the Edinburgh Correspondent, the statement made by the learned gentleman was to him entirely new. He had, indeed, occasionally seen the Correspondent; it had been sent to his country house from time to time, but, excepting that, he solemnly protested he had no knowledge of, or concern with, that newspaper. If a committee could be appointed to inquire without an implied sentence of censure, he courted the closest investigation. He next came to the Sentinel, and he had been astonished to hear his name connected with it. So help him God, he had never seen the newspaper—he had never received—never supported it, and never, in any shape, had had any concern with it. In 1819, he received a letter, dated 3rd Nov., from a person of the name of Borthwick, in which he proposed a plan for the establishment of a newspaper. [The learned lord here read the letter, with his own answer, dated Nov. 5, 1819.] In his reply he had refused all interference; but the same individual made application in other quarters, and succeeded in commencing the Clydesdale Journal. He had uniformly refused all assistance; but at last, in Nov. 1820, Borthwick came to him with a statement, subscribed by many gentlemen with whom he was acquainted. It stated, that Borthwick had been actually ruined by supporting that newspaper, and prayed that he would assist him. Still he refused to do any thing. He did not sign the paper—he had no recollection of having put his name to it—and the impression on his mind was so strong that

he had not, that if he were sworn he should say that he had not signed it. Of course the paper would speak for itself, and if his name were affixed to it, it would show that he was in error. [Mr. Abercromby handed a paper across the table, which was understood to bear the name of the lord advocate.] That put an end to all doubt; but he trusted that the House would give him credit for believing until he saw the paper, that he had not signed it. The House would allow him to say, that he had long resided in Lanark; had many connexions there; and was applied to in his private capacity as a freeholder of the county to support a publication which seemed much needed. The press of Scotland at that time was loudly complained of. In 1820, various trials had taken place for seditious and libellous publications, and insurrections had actually broken out in several districts. Subsequently to that period, the press of Scotland promulgated the most licentious opinions, and every effort was resorted to for the purpose of stirring up and inflaming the minds of the people. There was not a county in Scotland from which complaints did not arrive, describing the ill effects that were produced by the manner in which the press was conducted. Things were in this situation, when an individual recommended him to give his support to the Clydesdale Journal, which, he observed, had already received the support of many other persons. He, perceiving that the great object of the press in Scotland was to make the people unhappy and dissatisfied with their condition, did promise to recommend the paper in question amongst those who were exposed to the operation of the licentious press. But his support did not extend, and was not meant to extend, to any improper articles that might appear in the paper; neither did he advance any money towards upholding it. That publication soon ceased. Mr. Borthwick became a bankrupt; his types were sold, and purchased by Mr. Alexander. Shortly afterwards they removed to Glasgow, and set up a new paper called the Glasgow Sentinel. Now, the learned gentleman had spoken of libels which appeared in that paper, before he (the lord advocate) knew any thing about it. He expected, that the learned gentleman would, in making out a *primâ facie* case against him, have read some of those libellous passages; but he had done no such thing. How could he be responsible for what appeared in the Glasgow Sentinel—a paper of a different name from that which he had been originally called on to support, conducted by different persons, and going to different places? Was it fair to say, that he should answer for what appeared in it, when he declared that he never gave it any assistance directly or indirectly? He disowned it once for all; and he declared before the House, that it was untrue to assert that he countenanced it in any shape whatever.—He now came to the most serious part of this charge—he meant that which related to an individual holding the place of sheriff-substitute, having written for the Sentinel. Whether that person had or had not written any thing in the paper in question, he could not say. But he felt it right to state, that he had intended to make an entire change amongst his sheriffs substitute; but, in consequence of the hurry of business, and the difficulty of finding proper persons to fill the office, he was prevented from carrying his intentions into effect. Consequently, the individual alluded to, still remained in the office of sheriff.—Now, as to that part of the charge—which referred to the Beacon, it was certainly true, that at the end of the year 1820, a number of gentlemen of great respectability, but none of whom acted under his influence, did think it would be advantageous to the country, at that moment, if a newspaper were established—not for the purpose of oppression, but to meet and to expose the doctrines contained in libellous and seditious papers which were disseminated in every direction. Having come to that resolution, and a sum of 1,500*l.* being wanted to carry it into effect, it was agreed that it should be subscribed for at the rate of 100*l.* each. Application was made to him, and he certainly did subscribe. [Hear!] He did not come into that House to deny any fact, but to state boldly and fairly what he did. He would contend, that the object of those individuals was a just, honest, and legal one. He gave that sum of 100*l.* out of his own pocket; and, in advancing it, he felt that he had not done that which was unlawful, or an act of which he ought to be ashamed. The publication commenced in Jan. 1821, and, immediately after its commencement, he proceeded to London, where he remained till the end of June. He, during that time, paid no attention to the publication:

he did not peruse it, he was ignorant of its contents. It had been said, that it contained libels, but the learned gentleman must know that something more than mere assertion was necessary. He would, therefore, ask, why he had not read some of those libels? Why he had not enabled the House to judge of the nature of the writings to which he had alluded? He had not done so; and the only alleged libel which had excited public attention, was that directed against the noble lord opposite (A. Hamilton), which had been tried within these few days, and in which case the jury gave but one shilling damages. There was no evidence before the House as to the publication of any libels in that paper. On that point no facts were stated, and of course he had nothing to answer; but it was proved, on the other hand, by the verdict of the jury, in the only case which was judicially investigated, that the charge of libel was false. [Hear from the Opposition benches.] He would only ask, whether the jury by their verdict of 1*s.* damages, where 5,000*l.* were laid, found that the charge of libel was true or false? He had been applied to by Mr. James Gibson, who stated that it was his intention to bring an action against him (the lord-advocate) and others, who, he believed, were connected with The Beacon, on account of some defamatory articles which had appeared in that paper; and Mr. Gibson wrote to him to contradict them. Sir James Stuart was the agent of Mr. Gibson, and a correspondence took place between him and sir James, which was afterwards much commented on. Mr. Gibson sent the bond to him, which he sent back again. It afterwards fell into the hands of Alexander, and gave rise to farther correspondence. Complaints were made against the manner in which the paper was conducted. Whether they were true or false he knew not, but he certainly was not responsible for the matter contained in it. He had merely subscribed 100*l.* to support it, in the first instance; or rather, as was the way in which such things were managed in Scotland, he allowed application to be made to his banker for that sum, which was to be advanced on his surety. He, therefore, became surety to the extent of 100*l.* sterling. The bond stated expressly the terms under which that money was advanced. It was most expressly understood, that those who subscribed had not any concern in the property of the newspaper, nor any other responsibility regarding it, except that they became bound in the sum of 100*l.* each. They were not proprietors; they had no control, no command over the concern. The learned gentleman had laid it down as his opinion, that the bond made him and the other gentlemen active parties in the concern. He took a very different view of the subject. The question was now, however, under the consideration of the Jury court; and it was for the House to decide, whether they would now give an opinion on that case, or leave it to the court before which it was pending. He certainly never considered himself as a proprietor of the paper, or as being beneficially concerned with it. He always looked upon himself merely as the contributor of 100*l.*; and as the paper was said to be so ill-conducted, as it was described to be a very stupid document, he thought his 100*l.* was gone for ever. He withdrew his name from it in the month of July; and when he had taken this course, all the other subscribers followed. After that event, certain statements appeared in the paper, one of which the learned gentleman had read; and he (the lord advocate) thought it due to himself, and to the other gentlemen who had originally subscribed, to intimate to the public, that they had withdrawn their security from the paper. Such was a plain statement of the facts; and taking him, in the first place, as a private individual, was there any thing improper in what he had done? Papers were supported to promulgate the opinions held by gentlemen who differed from him in politics, and he could see no reason why those who thought as he did might not have recourse to the same system. There would be an end to all discussion, if this liberty were allowed only on one side; and, therefore, he thought he had not done wrong in supporting the paper in question, to the extent he had stated. Surely, as an individual, he was entitled to use his own money as he pleased. The question then was, whether there was any thing in his public situation that ought to have prevented him from proceeding as he had done? And here he confessed, he was somewhat at a loss to follow the learned member through the reasons he had adduced to show that he ought not to have subscribed. The learned gentleman argued, that he (the lord-advocate) might be judicially connected with a cause grow-

ing out of libellous matter published in the paper. But how could it be? Libel in Scotland was not made the ground-work of a criminal proceeding: it was prosecuted by action for damages brought by the party injured. Therefore, so far as he was concerned, his public situation could not affect the case at all. If libels did occur, the course for the aggrieved party to pursue was, to bring his action, as the noble lord (A. Hamilton) had done, and to call for damages proportioned to the evil of which he complained. If, on the other hand, seditious articles against the Crown and the government were published (and certainly articles of such a nature were not likely to appear in that newspaper), how would it affect the individual holding a legal situation, who had subscribed 100*l.*? Would his having so subscribed prevent him from following up legal proceedings? Was it to be supposed that the base idea of his having expended 100*l.* in supporting the publication would prevent him from doing his duty? The lord-advocate could not conclude for damages, but only for punishment, against an accused individual; and therefore there was not the vestige of reason to prevent him from discharging his duty, as fully and as fairly as any other individual in the situation which he had the honour to hold. Many persons had been tried for offences against the state, committed in consequence of the licentiousness of the press in Scotland; and it never had occurred to him, that his right as a private individual to arrest those evils was interfered with because he was a public officer. When he saw the manner in which the paper was conducted in the month of July, he withdrew his name from it. He thought the facts were now before the House; and, in his opinion, they might be decided without the intervention of a committee. The learned gentleman had, he thought, expressed himself rather too strongly in speaking of two hon. and learned friends of his—he alluded to Messrs. Hope and M'Neil. The learned gentleman had censured them for signing answers to a condescendeuce in a case in which they were concerned, because they were sheriffs-depute. Now, those gentlemen were not excluded from professional practice, because employed in the office he had just mentioned; and to make the lord-advocate responsible for their conduct, was a thing never before heard of. Having received deputations, for performing the duties attached to which they were miserably paid, it was never supposed that they would give up their practice. It was something new to him to hear censures cast on a counsel for stating his client's case. Objections were taken to the statement which those gentlemen had made; but Mr. Alexander and his counsel thought those statements were of great importance to his case. Where was the impropriety of their signing a paper which set forth the case of their client? The learned gentleman arraigned them severely for having done that which, if they had not done, they would have sacrificed what they owed to their profession. He believed those gentlemen had done their duty, because he was convinced they were incapable of being influenced by the contemptible motives attributed to them. It was an extraordinary thing that the hon. and learned gentleman should have made such an attack on the solicitor-general, or Mr. Hope, or Mr. M'Neil, or Mr. Laing, without the slightest previous intimation. All these individuals were introduced that night without the most distant idea that such an intention existed. The consequence was, that no one was prepared to enter into an explanation of their conduct. With respect to the obloquy cast upon Mr. Hope, if the whole matter could be seen through, it would appear that he had been most unfairly treated. He was informed that a theft had been committed of a very atrocious description. He was aware of the mode in which the papers were procured by Borthwick. There was no warrant in the case; nothing was a warrant unless it was regularly extracted, and placed in the hands of a messenger to put it in force. A messenger alone could perform that duty. No man, not legally appointed, could force himself into the premises of another, for the purpose of serving a process. It appeared, therefore, to Mr. Hope, that a crime was committed. He felt that a crime might be committed by a partner against the remainder of a company; and it appeared to him, that, for the purpose of procuring papers, Borthwick had broken open the private desk of Alexander. Whether he was or was not correct in that idea, was of no consequence. He might be wrong in the facts, but he was right in his law. They did not meet here on facts. What he had described was stated to Mr. Hope, and on that statement he had acted. He was led to believe that a gross crime had been

committed; and he felt it necessary, as public prosecutor, to bring the accused party to trial for the offence. Borthwick was in consequence arrested. As to his sufferings he knew nothing. He could not tell whether Borthwick had been placed in chains; but certain he was, that no order for using chains was sanctioned by the town council. After he was carried to Glasgow he was indicted; but on the day of his trial it was thought right—as it was felt that any investigation relative to those papers previously to the trial of Mr. Stuart would be, in some degree, anticipating the general question—to desert the diet, leaving it to the public prosecutor to bring the case forward on some other occasion. If the learned gentleman looked to the point of law, he would find, that Borthwick had no right to be set at liberty at the time he was freed. By the statute of 1701, he might have been detained 40 day longer. As to any wrong which he might have suffered, far be it from him to justify it. By the law of Scotland, if the public prosecutor charged a person with theft or murder wrongfully, he had his remedy. And if the individual alluded to had suffered injury, it was for him to apply to a court of law, where he would obtain redress. As to the proceedings which had taken place, the government of the country had no knowledge of any one step that was adopted. Neither his majesty's ministers who were then around him, nor any one who was privy to those publications, were acquainted with them. Therefore, if there were any error, it rested on the individual who now addressed them. That individual had stated what he had done; he had declared his motives; and if he had done wrong, it was most proper and fitting that the Commons of England should condemn his conduct, either by a judgment of censure, or by such other mark of displeasure as the case seemed to require; and the consequence of which must be to remove him from his present situation. But if, on the other hand, he had done nothing but what the circumstances called for, he would hope for a contrary verdict. Still, in whatever way the case was decided, he would bow to it with perfect submission, and without complaint. If it pleased parliament by their vote to remove him from his situation, he should console himself with the reflection that many gentlemen could be selected for the office much better qualified to perform its duties than he was. But this he would say, that no man could be found who would endeavour to act more fairly, or to conduct the business attached to the situation with greater moderation and impartiality, than he had uniformly done.

Mr. Secretary *Peel* said, that upon all occasions like the present, when individual character and personal interests were involved, they had secured to the individual the indulgence of the House, as far as was consistent with strict justice. Upon such topics it was generally usual, and it was always wise to abstain from topics which appealed to men's passions, and led them from the exercise of their calm and sober judgment. Upon the present occasion the learned mover, not with the intention of doing so in all probability, had appealed to some topics highly calculated to create an undue prejudice against his learned friend. One was his allusion to the widow and children of the late sir A. Boswell, and another to the death of Mr. Scott; an individual who unfortunately lost his life in a similar manner. He did, therefore, think that the learned gentleman would have better discharged his duty by abstaining from the mention of these circumstances. Then, again, he had brought forward the language of Mr. Hope and Mr. M'Neill, used in a private conversation in a private place, and with a private client. He took this to be a very bad precedent to set; and if it had created any prejudice against his learned friend, he called upon the House to discharge it altogether from their minds. Let the House look at the case which it was called upon to decide. A notice had been given by the learned gentleman, that he should call the attention of parliament to the conduct of the lord advocate, as connected with his interference with the public press. It was three months since that notice had been given, and not the smallest intimation had, in the interim, been afforded, that the learned gentleman meant to call in question the conduct of any other persons. The House, then, was bound to discuss the case upon that notice; and they were asked to decide it upon the single speech of the learned gentleman, and the papers which he had read to the House. He would first allude to the conduct imputed to the lord advocate with respect to the paper called the Correspondent. The learned gentleman attempted to show, that, notwithstanding all which had passed

with respect to the Beacon, the unfortunate dissention to which its conduct had given rise, and the still more unfortunate conflict which ensued, the lord advocate had persevered in introducing a fresh paper, conducted upon the same principles by which the Beacon had been distinguished. What answer had the lord advocate given to that charge? He had declared, upon his sacred honour, that he was ignorant of all transactions relative to the Correspondent. As to that charge, then, was the lord advocate's answer, or was it not, complete? The next point was the charge connected with the paper called the Sentinel. If, after the affair of the Beacon, the lord advocate had contributed to a newspaper pursuing the same course, he might justly have been charged with misconduct for so doing. But again, upon this head, what was the learned lord's answer? He declared, upon his honour, that of that paper, he knew nothing. If the House gave credit to the learned lord's assertion—and who was there in the House that would deny him credit?—the question was at an end. The learned gentleman, in touching upon the Clydesdale Journal, treated it as the same with the Sentinel, but existing under a different name. But the House would recollect that there had been a considerable interval between the failure of one of these papers, and the establishment of the other [Cries of No, No]. At all events, the lord advocate denied any connexion with the Sentinel; and let the House look at the nature of his connexion with Borthwick in the Clydesdale Journal. Could it even be pretended that that connexion had been sought for by the lord advocate? On the contrary, Borthwick had made the first application; and the answer with which that application had been met showed the *animus* with which the learned lord had connected himself with the public press. The hon. and learned gentleman, referring to the libellous paragraphs which had been published, said that an individual, holding a judicial situation, had been a party to that system of calumny and attack. The learned gentleman alluded, in fact, to Mr. Aiton, who, at the time in question, was sheriff-substitute of Lanarkshire; and he remarked that, though a change had taken place in the office of sheriff-depute, Mr. Aiton still continued in his office. The charge, as touching the lord advocate, came shortly to this—that he had recommended the present sheriff-depute to his appointment, for the purpose of securing Mr. Aiton's continuance as sheriff-substitute. Now, certainly, there had been a change in the situation of sheriff-depute of Lanarkshire. The change had been introduced by himself (Mr. Peel) at the recommendation of the commissioners of inquiry in Scotland: and its effect was, to make the sheriff a resident in his county, increasing his salary from 500*l.* to 800*l.* a-year. The next step to this change in the nature of the office was to find an individual competent to fill it; and he had purposely delayed the appointment more than two months, to give time for the application of candidates. At length, a noble friend of his, the first lord of the Admiralty, was about to visit Scotland, and he (Mr. Peel) gave him a list of the parties applying, desiring him to consult the law authorities in Scotland as to who would be fittest to hold the situation. The noble lord returned to him the name of the present sheriff-depute, and that gentleman was nominated. Such was the history of the sheriff-depute's appointment; and it was for the House to judge whether the lord advocate had abused his trust. For himself, he had never even heard Mr. Aiton's name until the present evening.—As to the grand charge against his learned friend, that of his connexion with The Beacon, it was undoubtedly true, that he had become security to the extent of 100*l.* for that paper, that at the time he was lord advocate, and that the paper in question had made attacks on private character, which he did not stand there to defend, or palliate. If it could be made out that his learned friend had given encouragement to those attacks, he should have been the last man to advocate his cause; but if he established to his own satisfaction, that those attacks had been in no way contemplated by his learned friend, it was due to justice that he should endeavour to vindicate him. The charge was—his learned friend having lent his name and influence to the diffusion of private calumny and slander, and he met the charge, not by a defence of calumny, but by a denial of the fact. To explain the reason of the first connexion of the lord advocate with The Beacon, he referred to the state of the press in Scotland, and the discontent and insubordination to the law which then existed. In proof of this, he referred to the letter from the earl of Glasgow, lord-

lieutenant of Renfrew, to the secretary of state, in Nov. 1819, which had been printed and laid before the House. It described the progress of union societies, and the wide circulation of seditious publications. If his learned friend in his capacity, not of lord advocate, but of secretary of state, desired to apply some antidote; if he followed the advice which had been so often given from the other side of the House, to meet discussion by discussion, to meet inflammatory publications by those inculcating obedience to the laws, was his conduct to be wondered at? If he had taken the advice that had been offered; if, without justifying private slander, he had encouraged legitimate discussion, inculcated constitutional principles, and arrayed talents in support of the laws, would any one have thought him fit to be criminated by a vote? Was it the privilege of a free press, that talent should find no support, but when it was exerted against the constitution? What were the principles to which the obligation bound them? The bond recited, that a newspaper, called The Beacon, had just been "established on loyal and constitutional principles." What the paper was he never knew, for he had never seen a number of it; but he was anxious to see what the principles were in the prospectus. The terms which were there employed were certainly strong; but there was nothing to show that it was the intention to deal in private slander. He did not say, that, when the paper had deviated into that violation of its principles, it would not have been prudent for his learned friend to have given it up. But if they made every man answerable for every paragraph which might appear in a paper to which he might have given his patronage, though it might be *extremum jus*, it would be attended in its application with the extremest injustice to the party. They had heard, on the other side of the House, some high compliments paid to the conductors of newspapers. If he (Mr. P.) had charged the eulogist with extravagance, because he could adduce paragraphs hurting the feelings of females—because a paragraph had crept in, which perhaps the conductor himself would wish to retract—he should have been thought to have shown little fairness. The bond referred to the principles on which the paper was to have been conducted, and the prospectus stated those principles. The prospectus stated the necessity of an energetic defence of the constitution, and asserted, that "the evils of a free press were only to be corrected by a judicious use of its energies." He wished the publishers of the prospectus had adhered to it [Hear! from the Opposition]. He wished also that justice should be so far done to his learned friend, that he should be supposed, as he did, to feel the same wish. As for the attacks on private life in the correspondence which had been published, his learned friend not only disclaimed all authorship, but all knowledge of those attacks. The hon. mover had inferred the participation of the learned lord in these attacks—1st, because the paper was regularly sent him; and 2ndly, because of the similarity of documents in the paper to speeches of his learned friend. While the learned gentleman was speaking, he had asked his learned friend, whether he had ever written in the paper? His learned friend had answered, "I vow to God, never a word of it." As to the case of Borthwick, he should decline to enter into it, as he never knew that there was an intention of bringing it on. If they were satisfied as to the conduct of the lord advocate, as connected with the press, he asked in common justice that they would refrain from mixing up with it the consideration of any other case. If the powers of the lord advocate were excessive, let them have a distinct motion on the subject, but let them not now press it into the service, or eke out the proof that an officer ought to be censured by an argument to show that an office ought to be inquired into. It was not on the anomaly of the duty of the lord advocate, or the extent and asserted excessiveness of his powers, that this motion could rest; and as to the conduct of his subordinates, he (Mr. P.) would not say he would refuse an inquiry, but that he thought it required a distinct notice. Though the lord advocate was legally responsible for his deputes, yet, in point of fact, he was 400 miles distant from them. He doubted not, from the character of the parties, the circumstances alluded to would be satisfactorily explained; but there had been no time for explanation. They should recollect, too, that in a few days a claim was to be tried against the lord advocate for 10,000*l.* damages, founded on his conduct in this very transaction; and he could not but think that in going into a committee, on the assumption that he was a proprietor

in the Beacon, would not be consistent with the justice which the House was bound to administer.

Sir *J. Mackintosh* said, it was painful to him to rise at so late an hour, and, he might add, that it was not very consistent with his temper to offer himself as a voluntary accuser, or as the supporter of any accusation; and he declared, that nothing but a sense of what was due to public justice and public decorum, nothing but a desire to protect private life from slander, and to prevent the field of public discussion from being turned into an exhibition of indecency, vulgarity, barbarity and blood, could have induced him to enter himself as an accuser of a public officer, towards whom he had no hostile feeling. What had always advantageously distinguished this country from other free states was, the decency with which public discussions had been conducted. Occasional indecencies, occasional excesses, these were to be expected, and these were to be found in all parts of history; but systematic attacks on the sanctuary of private life, and systematic violations of the laws of decency, were reserved for our own unfortunate times. The grave question now before the House was, whether the public prosecutor in Scotland had not mixed and blended himself with this criminal system—whether he had not afforded it his encouragement in secret, until he had been detected and dragged to light—and whether the House of Commons could avoid inquiring into the proof that had been adduced? The right hon. secretary had said, that they wished to decide on the speech of his hon. and learned friend: they wished to do no such thing; they wished to inquire. The right hon. secretary said, it was not enough that an objectionable paragraph should have been found in a paper to subject the person who had patronized it to a criminal charge. But, the paper in question had not occasionally broken the law: it had continually, systematically, professedly, dealt in private slander. The right hon. secretary had alluded to a commendation which had formerly been bestowed by him (sir J. M.) on the conductor of a newspaper, (Mr. Perry), for having in a long career avoided encroachments on decency, and abstained from private calumny and slander. But, was there a man so uncandid as to suppose, that he had meant to assert, that in 40 years of zeal and hurry, the individual might not have transgressed the bounds which he had prescribed to himself? He could not undertake to say that there might not be improprieties, and very gross improprieties, in the paper in question; but he had known of none such, and the ground of his panegyric was the general absence of slander and indecency. The right hon. secretary had, with great skill, directed himself exclusively to secondary and subordinate points, which might all be conceded to him without affecting the strength of the case. He had entered into a long argument to show what he had never heard disputed,—that if seditious principles were promulgated, it would be justifiable and even commendable in any man in office, to oppose them by the force of reason. The right hon. gentleman had said, that the learned lord was justified by the prospectus of the Beacon, and had very dexterously substituted one word for another. He had said the prospectus contained the principles of the Beacon. Far from it; it contained its professions; and experience convinced them, that professions, instead of being synonymous with principles, were frequently a pretext for the most audacious disregard of them. What had the prospectus of a newspaper to do with its principles, when the paper never contained discussion at all; when it was made up of breaches of privilege, violations of the decencies of society, intrusions on private life, and the perpetration of every crime of which the press could be made the medium. The learned lord had told them, that he never read the newspapers with which he had been connected, and particularly the Clydesdale Journal. If so, how did it happen that he signed a paper to recommend the Clydesdale Journal, from his experience of its principles? What would be said in private life of a man who would recommend a servant on such a principle? The learned lord had made it a virtue that he resisted at first the approaches of Borthwick. What signified it that his virtue held out for some time, if it failed at last? Of equal value was the right hon. gentleman's attempt to distinguish between the Sentinel and the Clydesdale Journal; when the Sentinel was actually entitled "late Clydesdale Journal," published by the same persons, supported by the same friends, enjoying the same correspondents, and filled with the same libels. And the right hon. gentleman asked, what evidence there was to prove the libels in the

Clydesdale Journal. There was the evidence of Borthwick himself, who complained that his paper had contained nothing but personal slander, in spite of himself. Then there was the statement of the hon. mover himself, that he was prepared to prove the fact before a committee. He called upon the House to say if a sufficient case for inquiry had not been made out. It was true that as long as anonymous ruffians, whom it would be dishonour and pollution to meet on terms of equality—as long as persons carried the most flagitious crimes visible in their countenance—as long as such detestable ruffians published their systematic calumnies against men and against women, against the feebleness of sex and the dignity of station, against the memory of the dead and the domestic peace of the living—instead of honour it would be dishonour to meet them as gentlemen; and if that House should sanction such infamous calumnies by a refusal to inquire, it would be chargeable with entailing the continuance of the system, and ruffians would carry on their infamous trade by the license and under the authority of the House of Commons. What better evidence could they have of the character and tendency of the writings in question, than the fact, that the paper recommended and fostered by the learned lord did produce a duel, which terminated in the death of one of the parties? The right hon. gentleman had talked much of the good intentions of the learned lord. His intentions might be good in private life; but he was now brought before the House as a public officer, and he could not be divested of his public character and responsibility by a speech which was, in truth, a pleading for mitigation of punishment, on the score of good intentions and good character. The right hon. secretary had asked, what share the learned lord was proved to have had in the paragraphs of the Beacon? He need not argue the point that this newspaper was filled with abominable paragraphs, for he was sure the right hon. gentleman would hold in as much detestation as he did, a publication which was not accidentally, but systematically, not partially, but almost exclusively, a tissue of calumnies and slanders. But the right hon. secretary contended that the learned lord had no share in those libels. Did he not contribute his money weekly to circulate them through every part of the kingdom? Did he not contribute to pay for the printing, the paper, the ink, and the wages of all the individuals connected with the paper? If he had paid a sum of money at once, he might not have been considered responsible for the subsequent conduct of the paper, but here was the first law officer of the Crown in Scotland weekly contributing his money in support of a paper which was weekly circulating the foulest calumnies and slanders. He laid entirely out of the case that part of the right hon. gentleman's argument in which he endeavoured to shew that the learned lord was not legally a proprietor of the paper. It mattered not whether the learned lord was strictly and technically liable as a proprietor; the right hon. gentleman argued the case *diverso intuitu*, for they were not sitting in a court of law, but in a house of parliament, to decide whether the alleged misconduct of a public officer did not impose upon them the duty of inquiring whether he had not set the example of undermining the best interests of morality by giving his countenance and support to a publication which set all decency, decorum, delicacy, and regard to private character, at defiance? He did not say that the learned lord was guilty; but he contended that such a *primâ facie* case of misconduct had been made out as called upon them to inquire whether he was guilty or innocent; whether he had not set an example tending to barbarise political contests, and introduce duelling, and eventually perhaps assassination itself? He put entirely out of view also the pending suits in which the learned lord was a party; for the committee would have no authority to inquire whether the party instituting that suit was entitled to damages or not, or whether the learned lord could be legally considered as a proprietor. The right hon. secretary complained of his learned friend for having introduced the extraordinary powers of the lord advocate, as irrelevant to the present question. Now, no topic could possibly be more pertinent. The maxim of law, *de minimis non curat lex*, was applicable to the functions of that House, as grand inquest of the nation. The House would not inquire into the conduct of a constable, but would leave such investigations to justices of the peace. But it would be recollected, that the present lord president of the court of session, when a member of that House, had declared, that

it would occupy the whole time of a debate to enumerate and describe the functions of the lord advocate. They comprised all the powers of a grand jury, an admirable institution, which unfortunately for Scotland did not exist in that country, —the powers of the whole privy council of Scotland, the lord chamberlain, the lord privy seal, the lord justice general, and other offices which had ceased to exist separately since the Union. The lord advocate was even commander in chief of the forces in Scotland; and the present lord president, adverting to that part of his functions, observed, that his military duties had been rendered somewhat light by the assistance of his noble friend. Surely the importance of this office furnished the strongest reason for the House watching the exercise of its duties with jealousy, when a strong *primâ facie* case of abuse had been made out. The right hon. secretary had asked, what would be the fate of official men if they were obliged to read every paragraph that appeared in the newspapers? He admitted that such a necessity would be extremely hard upon them. He should be extremely sorry himself to read half the paragraphs that appeared in many of the newspapers, nor had he in fact time to read many of the paragraphs that appeared in any of them. If, however, he had contributed his money towards the support of a newspaper, and recommended its circulation, he should have felt it his duty, to take a glare at it once in eight months, to see whether it was deserving of his patronage. This might be a question of prudence with regard to an individual; but, in the case of the public prosecutor of Scotland, it was an imperious duty; and his neglect of that duty, which appeared even upon his own showing, was an instance of gross misconduct, which called loudly for inquiry. If the House refused to inquire into so gross a violation of public duty, they would forfeit their character of grand inquest of the nation, and the duty which they owed to the people of Scotland and England. With regard to the plea, which had been put on the record, in which the learned advocate said, that persons skilled in the laws of honour, were ready to impeach Mr. Stuart's conduct for having refused to fight a duel with Mr. Stevenson, he would ask, whether any court of justice in this country would sanction such a plea, or whether any counsel would not be reprimanded for putting upon the record an insult to the law, in defiance of all the principles upon which courts of justice were accustomed to act? He did not believe that any court would listen to such an argument of counsel, even in address to a jury, still less would they sanction it as a plea upon the record. Suppose it were stated in a plea, that robbery was no crime, or, according to the doctrine of that great philosopher Mr. Spence, who was once so frequently mentioned in that House, but who was now so totally forgotten, that robbery was only a restoration of the natural rights of man, would any court of law sanction such a plea? He did not know whether the right hon. gentleman had read the authentic report of the trial of Mr. Stuart; but he would there see a specimen of the manner in which a counsel might discharge his duty to his client with the utmost vigour, and at the same time pay a due respect to the tribunals and laws of the country. He might truly say, that the admirable speech of Mr. Cockburn, in the case of Mr. Stuart, had not been surpassed by any effort in the whole range of ancient or modern forensic eloquence. It was a speech characterised by calm and forcible reasoning, by chaste and classical diction, by the utmost skill, delicacy, and address in the management of the most difficult topics, and by a rare combination of zeal and ability in the cause of his client, with respect to the feelings of all the parties concerned, and a reverence for the rules of law and the austere decorum of a court of justice. It was a speech, in short, which, as a specimen of forensic eloquence, considered with reference to the peculiar difficulties with which the advocate had to contend, was unrivalled by any similar effort in ancient or modern times. The learned gentleman who drew that plea seemed to consider the law of honour as a sort of mystery, known only to a few individuals, deeply skilled in the institutes, codes, and pandects of honour, as if Scotland were not a country distinguished by its martial glory and its high sense of honour. The case from beginning to end was against the lord advocate for his own acts, and for those of his two deputies who had signed the plea to the action against the Sentinel. That paper had been recommended and circulated through Scotland by the learned lord, and the manner in which it had been supported by his two deputies showed the *animus* of

the proceedings. If any lawyer in that House could say that the plea which he had mentioned could have any other effect than to aggravate the offence, he would give up the whole question. But it showed the furious zeal—he would not use a stronger word—which actuated all the parties (Cheers), and which appeared most strongly in the deputes of the lord advocate. Why, it was asked, decide against Mr. Hope and Mr. M'Neil? Why pronounce a censure or condemnation against them? Censure was a large word, but there was no condemnation moved for or sought. The motion called for a committee to inquire into the *primâ facie* evidence.—The right hon. secretary had said, that the case of Borthwick was a separate question, which was not comprised in the notice. Now, whether it were comprised in the notice or not, it was a little singular that the right hon. gentleman should not be prepared to answer a case which had excited a greater sensation in Scotland than any thing which had occurred since the Rebellion in 1746. Borthwick had been confined 70 days, under a charge of felony, which was subsequently abandoned. He was indicted a second time for the same offence, of which he must be presumed to be completely innocent; for otherwise the learned lord, shamefully betrayed his trust in not bringing him to trial. Was it not a most suspicious circumstance that a prosecution should be entered into against a partner of the Sentinel, at the very moment that he had disclosed the secrets of the prison house? The learned lord who had recommended the circulation of the Clydesdale Journal, was the very person who prosecuted one of the parties for disclosing the authors of the libels which it contained! It was indisputable that Mr. Borthwick had a right to possess himself of his own papers; and yet he was prosecuted for a capital felony, for taking those papers out of a desk in the office of the journal of, which he was admitted to be a proprietor. He believed there was no example in the history of the law of so atrocious a proceeding. If the House refused to inquire into so gross a case of misconduct on the part of a public officer, he should deeply regret in failing to vindicate the constitution of the country, that he should be deprived of one of the most solid grounds of its defence, namely, that the House of Commons, whatever might be its partiality to, or its confidence in, the government of the country, was at all times jealously awake to the purity of the administration of justice. The House was called upon that night to determine whether they would frown down that infamous system of private calumny which had overwhelmed the country, or whether they would authorise, establish, and perhaps perpetuate it by refusing to concur in the present motion.

The Marquis of *Londonderry* said, that the heads under which he would consider the subject were; first, the connexion of of his learned friend with the press; 2nd, the oppressive transaction in which Borthwick was concerned; and 3rd, the proposition to call two persons before the committee and to make certain inquiries of them. Now, at what time was such a proceeding proposed? At that period of the session, when such an inquiry could not be gone into, with a view to substantial justice. It was proposed, too, on the eve of a legal prosecution, in which his learned friend would be overhauled as to the proprietorship. It was said that inquiry was all that was proposed; but parliament always sanctioned the principle, that it was no small infliction to be sent to a committee of inquiry above stairs. What was imputed to the learned lord was, not any violation of his official duties, but what he had done as an individual freeholder of Lanarkshire. It had been assumed that the papers were a mass of private scandal, and what all must join in reprobating. But what had been read to the House he would not pronounce a libel without seeing the context. It could not fail to be remarked, that hon. members opposite never complained of the conduct of the press, until they fancied that some particular person or family connected with them had been libelled. He was informed that the Clydesdale Journal was a paper like the Morning Chronicle, which upon a former occasion the learned gentleman (sir J. Mackintosh) had elevated to such a pitch. He understood it was in general a paper of fair character. What the character of the Sentinel was, he did not know, but it was too much to hold his learned friend eternally responsible, for what might be published in that paper. With respect to the Beacon, it appeared that that paper had been established upon good principles, and had for some time been conducted in a manner that could not be complained of. As soon as it appeared that the paper was impro-

perly conducted, his learned friend took measures to separate himself from it. He could not think the learned lord was to blame for entering into that bond. He had pledged himself only to support the paper while it was conducted upon the principles laid down in the prospectus. He felt rather startled at the doctrine laid down by those hon. members who called themselves the exclusive friends of the liberty of the press. The doctrine of the restraint of the press had been no where so strongly advocated in that House as on the Whig benches. He should have no objection to let them manage the press, if he thought they would equally restrict both sides of the question; but they always exhibited a wonderful fondness for leaving one side open, and keeping the other exceedingly close; and no men were more disposed than they were, although they arrogated to themselves the character of the exclusive friends of the liberty of the press, to press into their service as means of coercion towards the press, not only the principles of law, but the forms of parliament. The only construction to be put upon the connexion which the noble and learned lord had with the bond was, that he pledged himself to give 100*l.* towards the support of a paper to be established upon good principles. In doing this, he was acting upon the principle of combating the press by the press. If the learned gentleman opposite should subscribe to what he conceived to be an excellent work from reading the prospectus, but which when published should appear an abomination in the eyes of all honourable men, would he therefore expose himself to a charge of abetting the iniquity? If he were answered in the negative, then he would say that the learned lord was not blameable for having supported the establishment of a paper which was afterwards perverted from its original good objects. He trusted the House would be of opinion, that the character of the learned lord, throughout the whole of the transactions, stood free from reproach. He thought it would have been more discreet in the learned lord to have kept himself distinct from those transactions. But in the whole of his conduct, nothing could be found to touch his character as a man and a constitutional lawyer. Down to the moment when the present complaint was brought against the learned lord, his conduct in the administration of his office had been the subject of commendation even with the other side of the House. The noble marquis concluded by declaring, that if he were not the friend but the political opponent of the learned lord, he would lay his hand upon his heart and say, that he could not vote for the motion.

Mr. *Lockhart* concurred with the noble marquis in thinking that there was nothing in the conduct of the lord advocate which could touch his character as a gentleman; but when he was told that there was nothing to affect him as a constitutional lawyer, he must object to that opinion.

After a short reply from Mr. Abercromby, the House divided: Ayes, 95; Noes, 120.

List of the Minority.

Allen, J. H.	Jervoise, G. P.
Althorp, viscount	Kennedy, T. F.
Baring, A.	Lamb, hon. G.
Baring, H.	Lambton, J. G.
Barnard, viscount	Lemon, sir W.
Bennet, hon. H. G.	Lloyd, sir Ed.
Bernal, R.	Lennard, T. B.
Brougham, H.	Lushington, S.
Butterworth, J.	Leycester, R.
Benett, John	Lockhart, J. J.
Bentinck, lord W.	Maberly, J.
Buxton, T. F.	Macdonald, J.
Calcraft, J.	Mackintosh, sir J.
Calcraft, J. H.	Martin, J.
Calvert, C.	Maxwell, J.
Cavendish, C.	Milbank, M.
Cavendish, H.	Monck, J. B.
Coke, T. W.	Mostyn, sir T.
Colbourne, N. R.	Newport, sir J.
Crompton, S.	Nugent, lord
Creevey, T.	Normanby, visc.
Calthorpe, hon. F.	Philips, G. jun.
Davies, T. H.	Palmer, C. F.
Denman, T.	Powlett, hon. W.
Dundas, hon. T.	Price, R.
Duncannon, visc.	Prittie, hon. F. A.
Dennison, W. J.	Robinson, sir G.
Ebrington, visc.	Rice, T. S.
Ellis, hon. G. A.	Ricardo, D.
Fergusson, sir R. C.	Rowley, sir W.
Fitzgerald, lord W.	Robarts, G.
Fitzroy, lord C.	Robarts, A.
Folkestone, viscount	Rumbold, C.
Grattan, J.	Russell, lord J.
Grenfell, P.	Scarlett, J.
Griffith, J. W.	Sefton, earl of
Glenorchy, lord	Smith, John
Guise, sir W.	Smith, W.
Gurney, R. H.	Smith, S.
Gaskell, B.	Smith, G.
Hamilton, lord A.	Stuart, lord J.
Hobhouse, J. C.	Tavistock, marquis of
Honywood, W. P.	Taylor, M. A.
Hume, J.	Tierney, rt. hon. G.
Hutchinson, hon. C.H.	Titchfield, marquis
James, W.	Tulk, C.

Western, C. C.	Wood, alderman
Whitbread, S. C.	TELLERS.
Williams, J.	J. P. Grant
Williams, W.	Abercromby, hon. J.
Wilson, sir R.	

HOUSE OF LORDS.

Wednesday, June 26.

MARRIAGE ACT AMENDMENT BILL.] The report of this bill being brought up,

The *Lord Chancellor* expressed his approbation of the provisions introduced, with a view prospectively to prevent improper marriage, upon the principle, that a marriage once contracted ought to be indissoluble. He thought the retrospective enactments had no connection with the prospective clauses, and that they ought to form a separate bill. These retrospective enactments went to make valid, with certain exceptions, all marriages that had taken place by licence since 1754, the date of the Marriage act, which would otherwise, under the operation of that act be deemed null and void. But their lordships should be aware, that whilst these enactments went, generally speaking, to legalise the marriages of the superior classes of society that had taken place by licence, they took no notice whatever of the other classes who had been married by banns, and who, in the case of fraudulent banns, were left to all the consequences of void marriages, and the bastardising of issue. He stated several cases in which the retrospective enactments would operate most injuriously with regard to the rights of parties now entitled to property, in consequence of the invalidity of marriages, which would now be rendered valid, and concluded by reading several amendments, which he should propose in a subsequent stage. The principal objects of these amendments were to declare all those marriages invalid which had been decided to be so in actions or suits in courts of law or equity, and to enact that the rendering marriages valid as proposed, should not affect any deeds or instruments respecting property settled or sold, under the belief that such marriages were null and void.

Lord *Ellenborough* said, he could see no reason for a separation of the prospective and retrospective parts of the bill. He did not believe that, under the operation of these retrospective enactments, evils would arise in any degree equal to those which had arisen, in consequence of the operation of the Marriage act. And he was satisfied that the adopting the indissolubility of marriage as the principle of our law, would be conducive to the happiness and morality of society.

The *Lord Chancellor* moved, that the retrospective clause be left out, merely to put his opinion upon record.

The Earl of *Harrowby* said, the retrospective clause was calculated to quiet the apprehensions of families, but at the same time affected the property of others, who, as the noble and learned lord stated, were not in the situation of having violated the existing laws.

After a short conversation, the retrospective clause, as amended by the Committee, was agreed to.

The Earl of *Liverpool* moved, as an amendment to the first proviso, that this act do not extend to any marriage, with respect to the validity of which any suit is now pending.

The Marquis of *Lansdown* said, that if there was a class of persons entitled to the protection of their lordships, it was those who had contracted marriages, under an ignorance of the operation of one of the most mischievous and immoral laws that had ever disgraced the legislature of the country. He was prepared to go back to every case where no actual possession had been created by the sentence of a court of law, and he should therefore oppose the amendment.

The Earl of *Westmorland* said, there were two classes of persons who would be affected by this measure, one class who were seeking to avoid, and the other to confirm, their contracts, by resorting to a court of law; and the effect of the amendment would be to deprive the latter class of the power of carrying into effect the honourable intention of confirming existing engagements.

The House divided on the amendment —Contents, 28; Not-Contents, 67.

HOUSE OF COMMONS.

Wedesday, June 26.

VICE-CHANCELLOR'S COURT.] Mr. *M. A. Taylor* said, he was encouraged, in bringing this important subject under the view of the House, by the result of a similar proposition of his in the last session, which had been negatived by only four votes. He trusted that on the present occasion, the House would agree

with him in believing there was something fundamentally wrong in the system of the Court of Chancery and the appellant jurisdiction, as far as regarded the expence and delay to which suitors were subjected. The consequence was, that those in affluent circumstances alone could stand the expence, while those who had not opulent resources were seriously injured or altogether ruined. The delay also was grinding and oppressive; indeed, the oppression to which matters of equity were liable, was enough to exhaust any moderate patience, and destroy any moderate fortune! He might be asked, why, when the evils were so great, there were not numerous petitions before the House to that effect; and why he was the only person who came forward on the subject? To the latter question he would state, he did not stand alone; for, in 1811, he had carried his motion for an inquiry; and as to the former, he could say, that whatever were the complaints made by suitors and their solicitors, he found it very difficult to persuade them to come forward, and state to that House their grievances. He had received various information relative to this question, some of which he would briefly mention. He then stated an instance of a writ of error in the Court of Chancery, which was instituted in 1814, and was still on the paper. It arose out of a decree pronounced by the Master of the Rolls in 1812. He could not say whether judgment had been yet pronounced. He could, if necessary, state from twenty to forty instances of a similar kind. There was one instance in particular, in which there was a property of 28 shares, each share being worth 1,200*l.*: after twelve years, the property was sold under a decree, ordering the shares to be equally divided. A person whom he knew, held one of the shares, and expected 1,200*l.*; but his costs came to 750*l.*; so that there came into his pockets out of this property but 450*l.* There were other cases of a like nature, which as strongly affected the character of the appellant jurisdiction, as to the excessive expence and delay attendant on its proceedings. He did not state these matters with the intention of disputing the purity of the Court, but to show the necessity of reforming the system. All his aim was to put the House in possession of the facts, that they might judge whether he was right or wrong in the view which he took of the subject. His only aim was to replace the two courts on the footing upon which they originally stood; that they might again discharge their high functions in the way they ought; and not, as he asserted they had for the last few years done, increase the miseries of litigation by occasioning delay and expence without limit. After the reports of the two committees of the House of Commons, in 1811 and 1812, the abuses in the courts of equity became so apparent, that the House of Lords appointed a committee, who made a report upon it. Out of that report arose the bill for creating the vice chancellor's court. That bill was strenuously opposed, by the greatest characters in the House of Commons. In particular, sir S. Romilly exerted all his eloquence, to induce the House to reject it. If ever there was an authority on the highest points of equity, to which he would refer in preference to any other, it would be that illustrious individual, whom he would not hesitate to compare to lord Nottingham, or lord Hardwicke. That great person clearly foretold all the evils that had since happened. The present vice chancellor himself opposed every part of the bill. A right hon. gentleman opposite also decidedly opposed the bill.—However, the bill passed the House, in an evil hour; for from the passing of that bill he dated the extinction of the right of the suitor to the material privilege of having his cause heard before the great seal. In very few instances before that period had causes been set down before the Master of the Rolls: but so different was the case after the passing of the bill, that the late Master of the rolls (sir W. Grant) had told him he had retired from office, because that bill had broken his back. The principal duty of the great seal was to administer justice to suitors in the court of Chancery as quickly as possible. What would lord Nottingham or lord Hardwicke say if they saw that suitors could scarcely approach the great seal but by the intervention of the vice chancellor's court, its deputy, and that they were thus exposed to a double expence, and a three-fold delay? No one could be more sensible of the many excellent qualities of the eminent individual who presided in the court of Chancery; but, somehow or other, whenever any question, whether of foreign or domestic policy was agitating in the cabinet, the lord chancellor could never

be easy in that court, but shut up his note-book and went to Carlton House. In fact, the lord chancellor was more a statesman than he ought to be, as his proper sphere was in the court of Chancery. The hon. gentleman here quoted a passage from a pamphlet of sir S. Romilly's, predicting the evils which had ensued from the bill for establishing the vice-chancellor's court. In the last eight years and a half the lord chancellor had not had an opportunity of hearing more than 53 causes; while the vice-chancellor had in that time heard 2,328. Was that the way in which chancery business ought to be done? No doubt the lord chancellor had been fully occupied otherwise; but would any lawyer deny that the lord chancellor's proper place was the court of Chancery? In the last eight years the lord chancellor had heard 157 appeals from the other courts of equity. There were now about 119 to hear; so that, calculating at the rate at which those appeals had hitherto been heard, it would take four years to get through them. So that the appellant, after having gone through all the horrors of the vice-chancellor's, or the master of the rolls' court, must still wait four years before his case could be finally determined! Was that a situation in which a suitor ought to be placed? Could parliament satisfy their consciences if they took no step to remedy the evil? Now, with respect to motions, during the last eight years the lord chancellor had heard 5,155 motions. During the same period the vice-chancellor had heard 14,560,—not motions of course, but actual motions. Many of the motions heard by the lord chancellor were appeals from the vice-chancellor's court, a circumstance which sir S. Romilly had distinctly predicted. The same was the case with exceptions and petitions. When, some years ago, he (Mr. T.) proposed to separate the bankrupt business from the other labours of the lord chancellor, of which it formed a large portion, the learned lord would not hear of such a thing. It now, however, appeared, that the vice-chancellor did a great deal of that business. In every point of view, the existing system was an evil which ought to be cured. No one knew how soon he might be dragged through all the horrors of this equity ordeal, which nevertheless he had heard gentlemen, with stoical apathy, call "the merciful court of Chancery." He was very desirous that a regular statement should be made to parliament of the business done by the lord chancellor and his deputy, distinguishing the number of appeals heard by the former.—He would proceed to the consideration of the appellant jurisdiction of the House of Lords, which, to his great surprise, appeared in the discussions on the bill for creating a vice-chancellor's court to be of more importance than the privileges of the suitors in the Court of Chancery. The hon. gentleman here read the preamble of the bill, to show that to give facilities to that jurisdiction was its principal object. Had the result been satisfactory even in that respect? At first, as all new brooms swept clean, a great deal of work was dispatched in the House of Lords, where there was at the passing of the bill in question an arrear of appeals for 11 years. In the first year after the bill, 60 appeals were decided; in the next year 82; in the next 54; in the next 43; in the next 35; in the next 27; in the next 41; in the next 22; and in the next 46. On the 10th of May, 1822, there remained to be heard of appeals already appointed 122, and of others 33; making a total of 155. On the average dispatch of business of the last nine years, it would take four years to get through those 155 appeals. Was that the state in which the appellant suitor, after all he must previously have undergone in other courts, ought to be left? Could any one say that that was not a striking grievance? One great object of the bill for establishing the vice-chancellor's court had been, to hasten the decision of appeals in the House of Lords; and yet it was now acknowledged, even by the learned lord himself, that unless some plan were adopted for getting rid of the Scotch appeals he could not go on. He (Mr. T.) now expected that it would be proposed to constitute some intermediate tribunal to hear the appeals from Scotland—a measure which was recommended by some of the judges several years ago, but which dropped to the ground. It was not his wish that the vice-chancellor's court should be destroyed at once, for he was desirous that time should be afforded to parliament and to his majesty's government, to consider what it would be advisable to substitute. He would ask gentlemen whether the debt due by those courts to the suitors was truly paid and satisfied? But he was convinced the House would not suffer the

subjects of this country to be left in so perilous and distressing a situation. He had been indulged in a variety of conversations with the lord chancellor upon the subject; and had entertained hopes that that noble personage himself, seeing the evil, would have originated some measure as a remedy. In that expectation, however, he had been disappointed. The noble and learned lord spoke of his intention to resign the seals, and said, that he thought it would be more delicate to leave alteration to his successor. He (Mr. T.) did not agree in that feeling, nor in any feeling which was to prolong, even for a day, the existing system. He would therefore move, "That this House will resolve itself into a committee of the whole House, to consider of the act of the 53rd Geo. 3, c. 24." It was his intention to propose, if he obtained the committee, the abolition of the vice-chancellor's court, after a period of two years.

The *Attorney General* said, he was something surprised at the conclusion of the hon. member. Why had he not moved at once to repeal the act? Why lose his time in taking a committee, when the House had already before it all the materials necessary to its decision? The exertions of the lord chancellor were too universally acknowledged, to require any description. The learned lord sat from October in one year, to September in another; and often gave up holidays to the despatch of any pressing business. A little attention to the returns before the House would show that, except as to appeals, there was no material arrear of business before the chancellor. The hon. member had cited an instance of an amicable suit which had lasted 12 years. Now, he would put it to any gentleman conversant with chancery practice, whether such a suit, unless under peculiar circumstances, could endure for 12 years. Since the vice-chancellor's court had been established, the lord chancellor had been a good deal occupied in the hearing of appeals: but that must inevitably happen where the power of appeal existed, and where parties were not satisfied. In estimating the quantity of business got through by the lord chancellor, the House ought to look at the number of motions taken before that learned judge. Each motion, in many cases, amounted to the hearing of a cause. Appeals, very frequently, were taken in the shape of motions. A cause having been decided by the vice-chancellor, or the master of the rolls, the lord chancellor was moved to stay proceedings under the decree, and upon that motion the whole question of appeal was gone into. To compare the business of the lord chancellor with that of the other judges of the court was not fair, because his lordship was occupied during the session of parliament three days a week in hearing appeals. Besides, the cases which came before him were generally of the first importance, and such as were litigated with the greatest anxiety and pertinacity. Those which went before the vice-chancellor and the master of the rolls were comparatively slight. But, to look at the business actually got through by the lord chancellor:—In 1821, he had heard 8 causes, 6 exceptions, 5 pleas and demurrers, 57 petitions, 103 bankrupt petitions, 245 lunatic petitions, and 418 motions. In 1821, then, the lord chancellor had disposed of 890 different matters. In 1820 he had got through 1,015. In 1819, there were 1,011. The hon. member had said, that the establishment of the vice-chancellor's court had not tended to the dispatch of business, in the House of Lords. In the ten years running from 1803 to 1813, the lord chancellor had disposed of 193 appeals. Between the year 1813 and the present time, no fewer than 421 appeals had been disposed of; and the advantage of enabling the lord chancellor to proceed with the appeals was prodigious; for many of them were brought merely for the purpose of delay, and consequently disappeared the moment they were pressed upon. He admitted that the appeals (chiefly from Scotland) poured in very fast; and, in fact, the very good of decision brought some evil along with it; as the delay formerly attendant upon appeals had deterred many persons from bringing them, so parties were now encouraged to prosecute them from the expedition with which they were arranged. The whole number of appeals unheard amounted to 101; and in no other branch of chancery business did there remain any arrear worth naming. He would put it to the House, therefore, whether the hon. member had made out any case to call for the measure he had proposed.

Mr. *John Williams* said, that with respect to the dispatch of business in the court of the learned lord, he was com-

pelled to dissent from the attorney-general altogether. For the last 9 years, the bankrupt petitions heard by the vice-chancellor had been, as compared with those of the lord chancellor, at least two to one. This excess of business in the vice-chancellor's court, led, of necessity, to the multiplication of appeals.

Mr. *Twiss* said, that all the arguments now advanced against the vice-chancellor's bill had been anticipated at the time when that bill was first brought forward, but which were not then considered powerful enough to prevent the House from adopting it. Since the erection of the vice-chancellor's court, the entire number of matters disposed of by the lord chancellor was 11,320, by the vice-chancellor 17,881. The appointment of the vice-chancellor's court had reduced the arrear of causes less than one half. He therefore saw no reason for carrying this restless activity of change, so much the rage of the day, into the highest court of law in the realm. In a great judge they were not merely to look at the number of causes dismissed within a year, but to the effect of his judgments in the way of precedent. He would venture to say, that when the decisions of the present lord chancellor should be consulted by future lawyers, they would be looked up to as monuments of legal excellence.

Mr. *M. A. Taylor* said, that what he had stated remained unanswered, and he would, year after year, take the sense of the House upon the subject, if he should divide but two.

The House divided: Ayes, 51; Noes, 108.

MINISTERIAL PENSIONS BILL.] Mr. *Creevey* said, he rose to submit to the House the consideration of the Ministerial Pension bill of 1817. He had formerly moved certain accounts as grounds of ulterior proceedings which he would now propose for repealing the bill. No task could be more difficult than to call upon that House to take away 42,000*l.* a year from the ministers of the Crown. He agreed with the noble lord opposite, that he should be unsuccessful, yet he relied upon the great allies of reform—public opinion, the publicity of their debates, and the forms of parliament. Though he should be in a minority of twenty, he should still feel confident that this bill should soon be withdrawn from the Statute-book. His object now was, to submit a certain set of resolutions, in which he hoped the hon. gentleman (Mr. Bankes) who had done so much in passing the bill, would agree with him. He might save time by stating his resolutions as his text, and making his observations afterwards. The first resolution stated the fact,

1. "That it appears to this House, by an act passed in the 57th year of his late majesty, c. 65, that a sum of 42,000*l.* per annum is charged in perpetuity upon the Consolidated fund, to be divided in pensions among certain persons who shall have held certain public offices under the Crown for certain periods of time; viz. six pensions of 3,000*l.* per ann. each, to such persons as shall have held the offices of First Commissioner of his majesty's Treasury, or one of the principal Secretaries of state, or Chancellor of the Exchequer, or First Lord of the Admiralty, for a period of not less than two years in the whole, either uninterruptedly or at different times: One other pension of 3,000*l.* per annum to any person who shall have held any of the last-mentioned offices without being subject to any limitation or restriction whatsoever as a duration of service: Three pensions of 2,000*l.* per ann. each, to such persons as shall have held the offices of Chief Secretary for Ireland, or Secretary at War, for any period not less than five years in the whole, either uninterruptedly or at different times: Six pensions of 1,500*l.* per annum each, to such persons as shall have held the offices of one of the Joint Secretaries of the Treasury, or First Secretary of the Admiralty, for any period not less than five years; and six pensions of 1,000*l.* per ann. each, to such persons as shall have held the offices of the Under Secretaries of State, Clerk of the Ordnance, or Second Secretary to the Admiralty, for any period not less than ten years."

Now, the chief justice, who generally was not a young man when he attained to that office, must be in office 15 years before he could be entitled to a pension. There was also a fancy pension of 3,000*l.* for which no time at all was necessary. The second Resolution was the pretence, that 42,000*l.* yearly were given as a compensation for the abolition and regulation of different offices. It stated,

2. "That it appears by the preamble of the last recited act, that such sum of 42,000*l.* per annum is provided for the different persons therein named, on ac-

count of, and as a compensation for, the abolition and regulation of different public offices by other acts then and there passed, and which will deprive the Crown (as therein is stated) of part of the means by which his majesty had been theretofore enabled to recompense the meritorious services of persons holding, or who have held, high and efficient public offices."

He now came to the third Resolution. Whereas it had been heretofore the practice of the Crown to find out the merits of its servants, and when the funds at its disposal were insufficient to reward transcendant merit, to make a special application to parliament for the purpose, the Resolution stated,

3. "That although the said act of the 57th of his late majesty, c. 65, professes in its preamble to supply the Crown with new means of recompensing the services of persons holding, or who have held, high and efficient public offices, no application from the Crown for such new sources of patronage, by message or otherwise to this House, is to be found upon its Journals; that the said act appears to have originated solely from a Select Committee of this House, and which was partly composed of persons who, from their official situations, would themselves become entitled to the pensions created by the bill: that this Select Committee was appointed in the year 1817, during the pressure of great public financial distress; that the sole object of its appointment (as appears by the Journals) was, to examine into the public revenues and expenditure of the country, and more especially to ascertain what relief could be afforded to the people by the reduction of such expenditure; that this committee nevertheless, so appointed, and so composed, did, in their first report, recommend the creation of this new and burthensome Pension Fund upon the people, fixing at their own discretion, upon such persons who were alone to possess it, and in what proportions, and leaving to his majesty the authority of his veto only in the last resort over pensions thus created by his servants in favour of themselves."

Now it was the acknowledged principle of our constitutional law, that parties interested should not be judges in their own case. How far this principle had been observed in the bill of which he spoke, the House would decide, when he stated, that the noble marquis opposite and the chancellor of the exchequer, were members of the committee. When an inquiry was proposed some time ago into the diplomatic expenditure, the noble lord declared, that he would not, as he called it, "disvigour" the monarchy, by consenting to that inquiry. But how much more did such a Bill as this "disvigour" the monarchy? The term was the noble lord's, or he should not have thought of using it. In the language of the noble lord he could not conceive any act more "disvigouring" to the country than a committee thus imposing on the people a great burthen of pensions, payable to ministers. By "disvigoured," he understood "degraded;" and he thought the country was precisely in that situation, in consequence of such proceeding. The effect of it was, to remove from ministers their responsibility and to attach it to the Crown. This pension-fund of 42,000*l.* a year was charged in consequence of the proposal of a committee composed chiefly of the ministers of the Crown, who were themselves to be the objects of such an arrangement.

The fourth Resolution stated,

4. "That antecedent to the act of the 57th of his late majesty, c. 65, it was unknown to the laws and constitution of this kingdom, that the abolition and regulation of useless or overpaid offices were to be purchased and paid for by pensions from the public, to persons holding high and efficient public offices; that the power of the Crown to dispose of its revenues in favour of the subject has been greatly abridged within the last two centuries, without any claims for compensation by pensions being made from the persons who then held high and efficient public offices; that various useless and overpaid offices have been abolished and regulated during the same period, particularly by the act of the 22nd of his late majesty, c. 82, whereby different offices of considerable emolument in his majesty's exchequer were abolished, and others, having profits to an enormous amount, were regulated, and reduced to a definite and comparatively moderate value, but that no compensation by pensions for such abolition and regulation was claimed by the persons who then held high and efficient situations."

The object of the resolution was, to show the country that this was the first time in which any set of public men had ever

demanded to be paid by the public out of the profits or savings arising from the reduction of useless offices. In 1782, the reports upon which the regulations for the reduction of useless offices were framed and acted upon, were drawn up by persons who were not members of that House. The commissioners of accounts, appointed in 1780, were not only not members of that House, but they were bound by an oath, to execute their office with fidelity. These commissioners were prohibited even from holding any office under government during the sitting of the commissioners. The contrary practice had long since been adopted; and really gentlemen seemed to think it was all matter of course and of constitutional law, that committees of that House should provide pensions for ministers. His object in bringing this resolution before the House was, to record what a different practice they had once observed. The hon. gentleman here alluded to a message which came down from the Throne, in 1782, recommending the abolition of useless offices, &c., and repeated the answer of the Commons to that message; whereby they pledged themselves to an inquiry into the subject at an early period of the ensuing session. Now, this took place when our debt was 200 millions. His late majesty here talked of the sacrifices which had been generously made by the people during the American war. But had no sacrifices been made during the late war? Surely, after such sacrifices as had recently been made, and with the national debt increased to 800 millions, the people were entitled to every possible relief. In that royal message "the people" were mentioned with consideration. But, in 1817, the member for Corfe-castle took the executive out of the Crown altogether; and by the bill which his exertions procured to be passed, ministers were carefully provided for; but not one word was said about "the people." But, supposing even that it had been the practice for committees of that House to propose rewards of this kind to public men; and to marshal them in classes, as they would do clerks in public offices—supposing that public men were ordinarily paid out of the savings arising from the abolition of public offices—still there never had been a bargain so atrocious and abominable as that which was entered into in 1817, between the committee and ministers, for the payment of the latter, at the expense of the public.—The 5th Resolution he had to submit was this:

5. "That, in addition to, and independent of, the preceding objections, to the origin and principle of the Pension bill, the contract which is thereby set up between the pensioners under the bill and the public, is without any adequate consideration or advantage on the part of the nation; that the offices to be prospectively abolished or regulated by the acts of the 57 Geo. 3rd, c. 60, 61, 62, 63, 64, 67, and 84, form a limited part only of offices of the same description, and which were all decided upon as fit to be abolished or regulated by the votes of this House, in the years 1812 and 1813; that of the offices to be prospectively abolished, those of the two chief justices in Eyre of the value of 2,000*l.* per annum each, are the only ones which have usually been granted by the Crown to persons who have held high and efficient civil offices; and that, of the offices to be prospectively regulated, the principal regulation is, that the duties of such offices shall be performed by the holders thereof in person, instead of by deputy; the appointment to such offices, as well as of all salaries, being left at the sole discretion of the commissioners of his majesty's treasury; and yet, in return for, and by way of purchase of, these prospective, partial, and indefinite savings, the people are to pay from henceforth 42,000*l.* per annum, in perpetuity, to the different public servants of the Crown who are named in the Pension bill."

The fact was, that except the chief justiceships in Eyre, the great offices, such as the tellerships and the auditorships of the Exchequer, had not been regulated, but only reserved. Their fate was not yet determined. The hon. member (Mr. Bankes) on a former occasion had said, that he (Mr. C.) had voted for the bills of 1812 and 1813. He had done so; and he was ashamed to acknowledge it, on finding the monstrous abuse of its principle which had since taken place. The principle which he voted for was, that all useless offices were to be abolished; all offices greatly overpaid to be regulated; all objectionable offices in the colonies and the courts of law to be done away with. This principle had been so very differently recognised by the hon. gentleman since he brought in his bill, that he hoped he had only to remind the hon. gentleman of that difference to be assured

of his support on the present occasion. At the time that the hon. gentleman proposed the bill in question, he (Mr. C.) took him absolutely for a reformer, but surely never did reformer become more "disvigoured" than the hon. gentleman ever since he became a member of the committee of 1817. Never were two bills more different than those which the hon. gentleman had at these two different intervals introduced into the House. Indeed, it was astonishing to think of a grave and stayed gentleman, like the hon. member for Corfe-castle, being guilty of such extreme inconsistency. He began by a bill to abolish all useless offices, and to allow pensions after five years of service. But after he had got into company with the noble lord, he introduced a bill entirely different, and allowed pensions after two years service only.—He should like the House to guess at the precise sum which had been saved under the operation of the two bills during a period of five years. His next resolution would show:—

6. "That from the returns which have been made to the House of offices already abolished or regulated under the act last-mentioned, and of pensions received under the Pension-bill, the following appears to be the result of the contract between the pensioners under the Pension-bill and the public at large, up to the present period:—In England, offices abolished, those of clerk to the warden to the Mint, saving, 92*l.* 10*s* per annum; stamper of weights, saving 250*l.* per annum; total saving in England in five years, 342*l.* 10*s.* In Scotland, offices abolished, vice-admiral, saving 1,000*l.* per annum; inspector of military roads, saving 200*l.* per annum; offices vacant, and subject to regulation, lord registrar in Scotland, late value 1,200*l.*, but no saving returned; king's remembrancer's office in Scotland, saving returned, 500*l.*; and the office of teller of the Exchequer in Ireland, late value 1,300*l.* per annum, but no saving returned.—Pensions which have received his majesty's sign manual, under the Pension-bill, to Henry, lord viscount Sidmouth, 3,000*l.* per annum; and to the right hon. Henry Goulburn, 1,000 per annum; the latter pension being suspended by the Pension-bill, as long as Mr. Goulburn holds the office of chief-secretary to the lord-lieutenant of Ireland."

Now, supposing that all the useless offices named were actually abolished, though the tellership of the Exchequer and other offices were still reserved, the total saving would be, 4,602*l.* 10*s.* in five years. All this, and particularly the matter of the last resolution, ought to be recorded on the Journals, in order to let the public know their great obligations to public men. The seventh Resolution was as follows:—

7. "That this House is of opinion, that had the offices of clerk to the warden of the mint, and stamper of weights in England, and the offices of vice-admiral and inspector of military roads in Scotland, remained at the disposal of the Crown, instead of being abolished, they would not have been conferred by his majesty upon Henry, lord viscount Sidmouth as a recompense for his services in the different high and efficient situations which he has held; and that, even if they had been all so conferred upon lord Sidmouth, their united profits are very inferior in amount to the pension he now receives as a compensation for the loss of them; that it appears, moreover, by a document lately laid before this House, that in the year 1802, Henry, lord viscount Sidmouth, being then first commissioner of his majesty's treasury, did grant to his son, Henry Addington, the office of clerk of the pells in England, of the annual value of 3,000*l.*; and that lord Sidmouth or his family have received the profits of such office for 20 years, although lord Sidmouth during a great portion of such time has held different offices of great emolument under the Crown; that the office of clerk of the pells was, at the time it was last granted, and is now, an office executed entirely by deputy, but by one of the acts of regulation before referred to, the duties of such office at some future period, are to be performed by the principal in person, so that lord Sidmouth or his family, receive at present 3,000*l.* per annum as the profit of this office, without being subject to any regulation whatsoever; and lord Sidmouth receives a farther sum of 3,000*l.* per annum as a compensation for some injury which it is presumed some other person may sustain by some future regulation of this office, when lord Sidmouth's interest or that of his family therein shall cease." [A laugh.]

Gentlemen laughed; but surely never was a situation so romantic, and no doubt so distressing, as that of lord viscount Sidmouth! He would not go out of his

way to utter a single disrespectful word of lord Sidmouth; but he would just mention two names, than whom that nobleman's warmest admirers would not deny, that lord Sidmouth was not likely to occupy a wider, or more commanding position in the history of their country. Here was lord Sidmouth receiving for his very eminent services, two or more salaries. Now, the great, the good lord Godolphin, had but one pension, which he condescended to accept from the Crown. The celebrated Chatham also, had but one pension, and that, too, he condescended, certainly, to accept from the Crown; but in both cases the salaries were single. He did not see, therefore, why the noble lord Sidmouth should have two. The result of the different considerations which he had now the honour of submitting to the House was embodied in his last Resolution:—

8. "That this House is of opinion, that for the House of Commons to provide pensions for the principal civil servants of the Crown by committees of its own, and without any application from the Throne for such purposes, is an interference with the just prerogative of the Crown, an abuse of that power over the public money with which this House is intrusted by the constitution, and an intolerable grievance to the people; and that this grievance is still further aggravated by that new and degrading principle of the Pension bill, which compels the people to purchase from the servants of the Crown, every abolition or regulation of an useless or overpaid office:—That after all the sacrifices which have been made by the great and industrious population of these kingdoms, and under all that unparalleled distress with which a great portion of such population is at present afflicted, they are entitled to demand, as a matter of right and justice, and not of purchase, the abolition and regulation of every useless and overpaid office in the state whatsoever; and that, in conformity to such just and reasonable claims, it is the opinion of this House, that the Ministerial Pension bill, of the 57th year of his late majesty, c. 65, ought to be repealed forthwith."

Upon these Resolutions he knew very well that he should be left in a very limited minority: but he should be satisfied with the opportunity of recording them upon the Journals of the House. And sure he was, that when the public opinion, which had been admitted in that House to be so much enlightened, was expressed on the subject, sooner or later the act in question would be repealed. He should now conclude by moving his first Resolution.

Mr. *Bankes* professed himself to have been a party to the principle upon which the acts of 1813 and 1817 were founded. On the first of these occasions, the hon. gentleman declared there was something so unjustifiable and abominable in the measure adopted, that he could not recur to it without shame. Now, what was that principle? The abolition of useful offices; the reduction in salary of overpaid ones; salary commensurate with duty; and at the same time carefully made adequate as compensation for the duties discharged. The hon. gentleman had said, that, in 1782, Mr. Burke did not act upon this principle. But what Mr. Burke said on the subject of laying down all useless or overpaid offices, without exception, was this,—that it would be bad service to the state, to take away from the Crown the means of tempting talents into its service. As for the hon. gentleman's complaining that these pensions and compensations had been settled without any message from the Crown, the hon. gentleman could not but be aware, that the Crown must be a party to every bill of this sort. The hon. member had contrasted the bills which he (Mr. B). had brought in, with that which formed the subject of debate. He did not hesitate to say, that he believed the two bills which he had formerly introduced, would, if they had passed, have been found more effective than the present bill. The hon. member had assumed, that the existing bill was also his work. This he denied. He did not mean to defend the bill altogether: he thought it defective in several points, and particularly with respect to the periods of service, which were too limited. The bill, however, contained much that was good; and, if it were repealed, it would be necessary to return to the state of things which existed before the measure was passed; and, therefore, the object of the motion must be considered to be not so much the repeal of the bill, as the restoration of sinecures. Was the House prepared for this? Would any man deny that the bill had effected an improvement upon the former system; or say, that it was not better to have pensions, however large, than to revive sinecures? If the House were to agree to the motion, it would establish a most extraor-

dinary precedent, by placing on the Journals the comments of the hon. member upon an act of parliament. The pensions which had been granted to lord Sidmouth, he considered no more than a fit remuneration for the arduous and meritorious services of that noble lord. It was the prerogative of the Crown to bestow pensions as rewards for eminent public services; and if ever that prerogative should be taken from the Crown, and vested in that House, it would be a departure from the principles of the constitution, and the change would be forty times more expensive and onerous than the original state of things. He concluded with moving, "That the other orders of the day be read."

Mr. *H. G. Bennet* said, he considered the bill a fraudulent measure. Under it, very few offices had been abolished, and not many regulated. He objected to the whole of the present system. He had satisfied himself by inquiry, that since the Revolution, all the great offices of state had been given as bribes to families, for the support of ministers when they had lost the confidence of the country. Those offices were not bestowed as rewards for public services, but as pay for political prostitution. He chiefly objected to the present bill, because it held out inducements to political adventurers to enter that House, who, by prostituting the talents with which Providence had gifted them, arrived at situations of rank, and, after two years' service, retired upon a pension for life. He must deny that the country would be a loser by the repeal of the bill. He did not believe that the House, even constituted as it was, would agree to a pension of 3,000*l.* to lord Sidmouth. It was painful to allude to particular individuals; but he felt it his duty to declare, that from the hapless day when lord Sidmouth quitted the chair of that House to become prime minister of this country—for which situation, in point of ability and talent, he was no more qualified than any of the door-keepers of the house—down to the present time, he had done nothing to deserve such a reward as that which had been bestowed upon him. [Cheers.] It would be very consistent in those who were the supporters of the Manchester massacre, and the eulogists of spies and informers, to praise the noble viscount; but he could not consider it any thing but an unfortunate selection which had placed such a man in an office of such great importance. He judged, from the general conduct of the hon. member for Corfe-castle, that he was a friend to reform in little things, but an enemy to economy and reform in matters of importance; and he was of opinion, that nobody had done more to prevent any real reform from taking place.

Mr. *Bankes* said, that the attack made on him by the hon. member was most unfounded. He would appeal to the whole course of his parliamentary conduct against such an insinuation, which, in justice to himself, he must term false.

Mr. *H. G. Bennet* said, that with every possible contumely, he returned the term "false," in every sense in which it was used by the hon. member.

The Marquis of *Londonderry* said, he could not, without the utmost indignation, listen to the attacks which had been so profusely and so unwarrantably made on the characters of individuals by the two hon. members. Those hon. members could not be ignorant of the inconsistency of their arguments on the question of rewards to public servants. They ought to be aware, that the reform of Mr. Burke allowed of rewards to public servants who had filled high and important situations. The speeches, however, of the hon. members, however they might affect to approve the principle of that measure, presented the most disgusting system of inconsistency he had ever met with; for though they had been sticklers for the bill on a former occasion, which admitted the justice of such rewards, they now came forward to oppose them, with the evident view of attacking the character of a nobleman, in whose case the principle had been applied. The character of his noble friend (lord Sidmouth) was, however, too exalted to be affected by such insinuations; for he would assert, that a more able and efficient minister of the Crown, had not existed than he had proved himself. By his talents and exertions he had contributed mainly to the salvation of the country in an hour of danger and peril. Having those opinions with respect to the character and talents of his noble friend, it was not without feelings of disgust that he had heard the gross attack upon him, in which he had been compared to one of the door-keepers of that House. Such language never ought to have been used in the observations of one gentleman upon

the political conduct of another. It was, however, reserved for the hon. member for Shrewsbury, and he did not envy him the proud distinction, to make the exception. The conduct of his noble friend, would, on every occasion of his life, bear the strictest scrutiny. At the time he left the chair of that House, which he had filled with so much credit and ability, he left it, not from any wish of his own, but in obedience to the commands of his sovereign; and though his political career might not be so brilliant as that of Mr. Pitt or Mr. Fox, on a comparison, his eminent services were not the less entitled to the gratitude of his country. But the attacks of the hon. members did not end here. An attempt was made to wound the personal feelings of his noble friend, by a charge of his having acted from interested motives. Such a charge was most unwarranted. When his noble friend left the chair of that House, he refused to accept of any provision; and the same disinterested feelings actuated him when he retired from the cabinet. In consideration of his eminent services, his late majesty had given his commands to Mr. Yorke to draw up a message to the Commons to make provision for him. His noble friend most peremptorily refused to accept of any. It was objected by the hon. mover, that his noble friend had conferred offices upon members of his own family. If he had done so, he had done no more than had been done by other ministers. But what had that provision to do with the present question? This, however, did not prevent the gentlemen opposite from alluding to circumstances, which were calculated to harrow up family feelings, and that, too, in a case where no other object could, by possibility, be attained. It must have been known to the hon. members, that of the profits of the situation which had been conferred on a part of the family of his noble friend, he could not, under the particular circumstances, touch a penny; and for that reason, as it could not support any one of their arguments, common feelings of humanity should have induced them to abstain from introducing it. Taking all the circumstances into consideration, it was not without feelings of great disgust that he had heard the remarks of the hon. gentlemen, and he could not sit there without expressing his reprobation of language the most disgusting and disgraceful he had ever heard within the walls of a British parliament. [Immense cheering from the ministerial side].

Mr. *Brougham* said, he rose to protest against the tone and language which the noble lord had dared to use.

The Marquis of *Londonderry* rose to order, and said—When any hon. member uses the word "dare," as applied to any remark made by any other member, I apprehend it is quite inconsistent with the order of parliamentary proceedings. If the term is applied to any observation used by me, it is irregular; for at the time of my making a remark which could call for such an expression, it was the learned member's duty to have interrupted me. The learned member has neglected to do so, and I now appeal to the chair whether he is regular in the expression he has used.

The *Speaker* said, that, undoubtedly, if the use of the word "dare" were to be interpreted in the sense in which the noble lord took it, it would be quite disorderly; but the House would allow him to say, that the term was one which was frequently used in debate without any offensive intention on the part of the member using it.

Mr. *Brougham* maintained, that he had a right to impugn any minister of the Crown for presuming (if he must be driven from his former word) to accuse a representative of the people, engaged in the honest discharge of his duty, in language such as no member of that House had ever ventured to employ. Disgraceful! disgusting! There might be some members who deemed his hon. friend's speech disgraceful, but he (Mr. B.) was not one of them: there might be some who considered them disgusting, but he belonged not to that class. It was one thing, however, to think, and another to utter such language; and never in his life had he heard such expressions uttered in that House as those which had been launched by a minister of the Crown at the head of a representative of the people. He should feel for any member who was treated in this most novel and unparliamentary fashion; but, in the present instance, he felt for a dear, long tried, and much valued friend, for whom he entertained all those sentiments to which the excellence of his heart, the manliness of his character, and the inflexible integrity of his public conduct justly entitled him. With respect to the general question, he would only

say, that without entering into the personal character of lord Sidmouth, a more absurd or ridiculous attempt than that of raising him to the office of prime minister of the country, and particularly at the time he was so raised, had never before been heard of. He then defended his hon. friend against the charge of the noble lord, that his remarks were intended to wound that noble lord's feelings. Nothing could be farther from his hon. friend's intentions; but the noble lord knew well where the shoe pinched; he knew also, that it was not the individual filling the situation of a sinecure to whom the objection was made, but to the principle of keeping up places which were wholly unnecessary.

The Marquis of *Londonderry* said, he had used the words "disgraceful and disgusting" in no other than a parliamentary sense, and did not apply them to the general scope of the argument of the hon. member. When he heard the hon. member compare his noble friend to a door-keeper, and undertake to prove that all the great families, from the period of the Revolution, had been corrupted by grants, similar to those conferred on lord Sidmouth, he considered those two declarations both disgraceful and disgusting; and though he wished it to be understood that he used these expressions in a parliamentary sense, he did not upon reflection consider that he had at all misapplied the terms.

Mr. *Creevey* said, that as the hon. member for Corfe-Castle had moved as an amendment, that the House should proceed to the other orders of the day, and as his (Mr. C.'s) object was to put his resolutions upon the Journals, he should merely hand up to the Speaker his first resolution. If it was negatived, he should then move his other resolutions, as the other orders of the day were proposed to be read. He did not, however, intend to divide the House upon any of his resolutions, except the first.

The question being put, "That the other orders of the day be now read, the House divided: Ayes, 143. Noes, 42. Majority against Mr. Creevey's first resolution, 101.

List of the Minority.

Bennet, hon. H. G.
Bernal, R.
Brougham, H.
Calvert, C.
Carter, J.
Davies, T. H.
Denman, T.
Dundas, hon. T.
Dennison, W. J.
Fergusson, sir R. C.
Folkestone, visct.
Grattan, J.
Guise, sir W.
Haldimand, W.
Hobhouse, J. C.
Honeywood, W. P.
Hughes, W. L.
Hume, J.
Holdsworth, T.
James, W.
Jervoise, G. P.
Lennard, T. B.
Lushington, S.
Maberly, J.
Maberly, W.
Milbank, M.
Monck, J. B.
Newport, sir J.
Palmer, C. F.
Robinson, sir G.
Rice, T. S.
Ricardo, D.
Rowley, sir W.
Robarts, A.
Robarts, G.
Smith, J.
Smith, W.
Taylor, M. A.
Western, C. C.
Whitbread, S. C.
Wilson, sir R.
Wood, alderman

TELLERS.

Creevey, T.
Duncannon, visct.

HOUSE OF LORDS.

Thursday, June 27.

NAVAL AND MILITARY PENSIONS BILL.] The House having resolved itself into a committee on this bill, lord King moved the following preamble, which, he thought was more suitable than the one which now preceded it:—

"Whereas an impatience of taxation, no less ignorant than irresistible, pervades all ranks of his majesty's subjects, and it is highly expedient to afford some relief; and whereas the *minimum* of relief which will give satisfaction, and the least intelligible plan which can plausibly be stated, is that of extending the burthen of the military and naval pensions over a longer period of time than the natural lives of the present annuitants, and defraying the expense of the first 16 years by a series of annual loans; and whereas, by an act of the 57th Geo. 3rd, c. 65, a very large provision has been made for the maintenance and half-pay of the persons now holding high and efficient offices, and it is desirable to secure the continuance of the same high and efficient public men in the offices they now hold, in order to avoid increasing the amount of dead service or half-pay so profusely provided, in case his majesty's present confidential servants should resign their offices, contrary to all true economy, and the intent and meaning of themselves, and of this act, and of every act of the present parliament; and whereas there is or will be a sinking fund of 5,000,000*l.*, applicable to the redemption of the national debt, to the relief of future generations at the expense of the present; and whereas it is also become expedient to relieve the present ignorant and impatient generation at the expense of posterity,

which necessary relief could be effected most advantageously by a deduction from the said sinking fund, of a sum equal to the amount of revenue derived from those taxes which it is become so highly necessary to repeal; but whereas his majesty's confidential servants now holding high and efficient offices have solemnly declared that the said sinking fund, to the full amount of 5,000,000*l.* aforesaid, shall be maintained inviolate; and whereas it is highly necessary that the wisdom of the said high and efficient public men should be upheld by the lords spiritual, and also by the lords temporal, and commons in parliament assembled; therefore be it enacted, by and with the advice of the same, that a series of loans shall be raised in a circuitous manner, and that the lords commissioners of the Treasury shall have power to lend to themselves, and to borrow of themselves, and to conceal the whole transaction from themselves, and from all other ignorant and well-disposed persons: And be it further enacted, that the commissioners for the redemption of the national debt shall likewise be the trustees appointed by the act for raising money on annuities to provide for the payment of the military and naval pensions, and that they shall, in their capacities of trustees, create stock, in their other capacities of commissioners for the redemption of the national debt, shall purchase that same stock; or, if more expedient and inexplicable, shall issue Exchequer bills, and invest and reinvest the proceeds thereof, through all the mazes of the transfer office, according to the will and pleasure of the chancellor of the exchequer; and make centuple entry thereof, provided always that the aggregate of confusion and perplexity shall agree with the same sum, as the deduction of the requisite amount from the sinking fund."

Lord *Harrowby* observed, that the measures of ministers were often called absurd, but he should be glad to know whether this preamble was an example of the sense of the other side of the House.

The motion was negatived.

HOUSE OF COMMONS.

Thursday, June 27.

ALE HOUSES LICENSING BILL.] Mr. Bennet moved, "That the bill be now read a third time."

Lord *Cranborne* said, there were several clauses in the bill which he objected to. He therefore wished that the hon. member would consent to postpone it till next session. But as he did not expect the hon. member would consent to this, he should move, that the bill be read a third time this day three months.

Alderman *C. Smith* thought the bill objectionable in many parts, and that it pressed too heavily on the publicans.

Mr. *Monck* would support any measure calculated to check the monopoly of the brewers, the effects of which fell entirely upon the poor, who were often obliged to drink a deteriorated and unwholesome beverage, and that, too, at a dear rate.

Mr. *Calcraft* objected to the clause which gave an appeal to the quarter sessions, in case of licences, from the decision of the petty sessions. Unless this clause was withdrawn, he would oppose the bill.

Mr. *Peel* said, there were several useful regulations in the bill, and therefore he hoped it would pass; but he wished the hon. mover would consent to withdraw or modify the clause which took the discretionary power from the magistrates.

Mr. *Bernal* said, it was using the hon. mover rather hardly to say that this bill was not in favour of the publicans, seeing it was founded on the petitions of many of that numerous body, and the committee was attended by their solicitor. He thought the clause restricting the discretionary power of the magistrates most salutary.

Mr. Alderman *Wood* complained of the wanton acts of authority, which, under the present licensing system, often deprived men who had committed no offence, of the means of livelihood; and said, that such an act as a man's not taking off his hat to the parson of the parish, might cause him to lose his licence. They could not, therefore, too soon put under proper control this arbitrary power of the magistrates.

Mr. *Bennet* vindicated the principle of his bill, which, he said, went to destroy the monopoly of the brewers, to break down corrupt influence, to prevent the arbitrary destruction of property, and take away from magistrates the power of doing that in close chambers, which they dare not do in open court. These principles remained in the bill as at first, and were not affected by the alterations which he had been induced to adopt. It was, therefore, rather hard that members who at first supported the bill, should

now oppose it; and even turn their backs on petitions which they had presented in its favour. He would not, however, on that account withdraw the bill; for he felt too anxious that an immediate remedy should be applied to the evils complained of. He wished particularly to destroy that frightful abuse of the licensing system, which made it an engine of electioneering influence. He spoke not of Whigs or Tories, but of the abuse, as he knew it to be generally practised. He would adopt the suggestion of gentlemen on the other side, and would leave out the words "counties and ridings," and insert in their place the words "cities and boroughs," because it was there that the evil was in most active operation; for the magistrates in those places were mostly brewers and distillers, and had a direct interest in the continuance of the abuses which he was anxious to rectify.

The House divided: For the third reading, 38; For the Amendment, 21. The bill was then read a third time and passed.

Slave Trade.] Mr. *Wilberforce* began by observing, that as parliament had some years ago come to a determination to abolish the Slave Trade, it was incumbent upon it to endeavour to make the measures it had agreed to for its abolition as complete and effectual as possible. For that purpose, application had been made to several foreign powers for their assistance, and the object of his motion was, to obtain the production of the correspondence which had taken place between them and this government. The hon. gentleman proceeded to take a review of the policy which had been pursued by the various European states, and by America, with reference to this interesting subject. The Cortes of Spain had, in a manner highly creditable to themselves, passed a law, inflicting a severe penalty on any one who should be found dealing in slaves, and directing the instant manumission of the slaves themselves. He was unable to speak with equal praise of the conduct of the old government of Portugal. That government had long resisted the applications of the British government on the subject, until at length, wearied out with the intreaties of the latter, the Portuguese government had consented, on the understanding that they should receive some commercial concessions in return, to abolish the trade to the north of the line only. Unhappily, however, there was reason to believe, that the agreement had not been strictly carried into effect, and that the governors of some of the Portuguese settlements not only winked at the trade, but were themselves partakers of it. He hoped that the new government of Portugal would make a beneficial change on this subject. To the conduct of the government of the United States, he could advert with unfeigned pleasure. The American government had abolished the trade on their own part, and had co-operated with our government in endeavouring to render that abolition universal. Still, however, there was something for the government of the United States to do. Last year a committee of the House of Representatives recommended the adoption of a mutual and qualified right of search; without which, indeed, all efforts wholly to put down the trade must be hopeless. It was to be lamented, that any ancient prejudice should be permitted to stand in the way of so desirable a measure; but the recommendation to which he had alluded was not very favourably received, by the senate, and by the American government. He could not close this portion of his remarks without paying a just tribute to the naval officers of America, who had cordially co-operated with our own in the abolition of the traffic. He had now to speak of a power, the conduct of whose subjects on this great question, no friend of humanity could contemplate without the deepest pain.—He meant France. Along the whole coast of Africa, the subjects of France were carrying on the Slave Trade with an every-day increasing activity. Invitations were openly held out to persons possessing small capitals to embark in this infamous traffic, with assurances that enormous profits would result from the speculation. And yet the government of France had expressed the same reprobation of the trade as had been expressed by the government of England! It was lamentable to remark, that, although the executive government of France had been prompt and powerful to decide on this subject, they had proved tardy and weak when the time arrived at which their decision ought to have been carried into effect. The thing was so extraordinary, that he could scarcely help believing, either that the fact of what was taking place was little

known in France, or that some unaccountable interposition prevented the operation of all those moral and religious feelings, for which we had been accustomed to give the French credit. It had been said, that since the revolution religion had been reviving in France. But he could not help mistrusting the character of any religion, the growth of which was accompanied by the growth of so abominable a practice, as a trade in human beings. He trusted the House and the country would persevere in the course they had so happily begun. The hon. member concluded by moving, "That an humble address be presented to his majesty, to represent to his majesty, that the deep interest which this House has so long taken, and still continues to take, in the abolition of the Slave Trade, has led us to peruse with no little solicitude the papers relative to that subject, which by his majesty's commands, were lately laid before us: And that we could not forbear indulging a hope that his majesty's renewed representations and remonstrances would have at length produced the desired effect of causing the various governments, by whose subjects the Slave Trade was still carried on, seriously to consider the numerous and powerful obligations under which they lay, to co-operate with his majesty, heartily and efficiently, in order to put an end for ever to this enormous evil:

"But that we have learned with grief and shame, that, with very few exceptions, every hope of this nature has been altogether frustrated, and that we are still compelled to witness the strange and humiliating spectacle of practices which are acknowledged to be made up of wickedness and cruelty, by the very governments whose subjects are nevertheless carrying them on, upon a great and continually increasing scale:

"That we observe, however, with satisfaction, that the powerful reasoning and continued expostulations of his majesty's government, enforced by the strong and persevering remonstrances of his majesty's ambassador at the court of the Netherlands, have at length produced an admission of the just construction of the treaty with that power:

"That we are glad also to see that some of the abuses have been corrected which had prevailed in the conduct of the courts of mixed jurisdiction at Sierra Leone; but that experience has proved the necessity of altering that provision, which renders it necessary for the slaves to have been actually on ship board, to justify the condemnation of the vessel, and of allowing due weight to be given to that decisive proof of the object of the voyage, which is afforded by the peculiar mode of fitting and equipping slave ships:

"That it is some alleviation of the pain produced by the almost uniform tenour of these distressing accounts, to learn that the Cortes of Spain has subjected all who should be found concerned in Slave trading, to a severe and infamous punishment; and that, with this evidence of a just estimate of the guilt of the crime, we cannot but hope that they will not rest satisfied with a legal prohibition, but that they will provide the requisite means for carrying their law into execution:

"That we find with concern, that the vessels of Portugal, so far from gradually retiring from the trade, have been carrying it on with increased activity, more especially on that very part of the coast which is to the north of the line, in direct violation of the treaty by which she had stipulated to confine her trade to the south of it:

"That we cannot but cherish the hope, that the new government of Portugal will manifest a warmer zeal for enforcing a treaty which every law, divine and human, binds her to observe:

"That we have observed with no little pleasure the zeal for the abolition of the Slave Trade that has been manifested by the commanders of the ships of war of the United States of America, employed on the coast of Africa, and the disposition they have shewn to co-operate with the officers of his majesty's navy for their common object; but that we are concerned to have perceived in the American government no disposition to give up the objections it formerly urged against the establishment of a mutual right of examining each other's ships on the coast of Africa:

"That we had hoped that the powerful arguments used by a committee of the House of Representatives in favour of this arrangement, would have their just weight, more especially that which points out the difference, or rather contrariety, between this conventional and qualified system and the right of searching neutral vessels without any previous treaty, as claimed and practised in war; above all, that the con-

sideration so strongly enforced, that it is only by the general establishment of some such system, that the trade can ever be effectually abolished, would have induced the American government to consent to it, when the object in question involves the rights and happiness of so large a portion of our fellow creatures:

"That with the deepest concern we find, as in the last year, vessels under the French flag, trading for slaves along the whole extent of the coast of Africa, at home and abroad: Proposals are circulated for slave-trading voyages, inviting the smallest capitals, and tempting adventurers by the hopes of enormous profits:—that the few ships of war of that country stationed in Africa, offer no material obstruction to the trade, nor do the governors of her colonies appear to be more active: And all this while the French government reprobates the traffic in the strongest terms, and declares that it is using its utmost efforts for the prevention of so great an evil:—That it is deeply to be regretted that a government which has been generally regarded as eminent for its efficiency, should here alone find its efforts so entirely paralyzed:—That meanwhile, we can only continue to lament, that a great and gallant nation, eminently favoured by Providence with natural advantages, and among the very foremost in all the distinctions and enjoyments of civilized life, should thus, on its restoration to the blessings of peace, and to the government of its legitimate sovereign, appear in fact to be the chief agent in blasting the opening prospects of civilization, which even Africa had begun to present, and in prolonging the misery and barbarism of that vast continent:

"That, on the whole, we conjure his majesty to renew his remonstrances, and to render it manifest that his interference has not been a matter of form, but of serious and urgent duty:—That this country will at least have the satisfaction of knowing that we have been active and unwearied in making reparation to Africa for the wrongs with which we ourselves were so long chargeable; and we cannot doubt that we shall ultimately be able to congratulate his majesty on the success of his endeavours; and on his having had a principal share in wiping away the foulest blot on the character of Christendom."

The Marquis of *Londonderry* did not rise for the purpose of opposing the motion, although perhaps the address contained some passages which might be fairly objected to. But the deep interest which his hon. friend felt on this subject was more than sufficient to excuse any little inadvertency of this sort. He entirely agreed, that while the American and French governments refused to adopt so equitable a principle as a modified right of search, there could be little hope of any effectual stop being put to this cruel traffic. While those two powerful nations were indisposed to co-operate in the objects of Great Britain, it was in vain to expect that the Netherlands, Spain, or Portugal, should exert themselves to put a stop to that trade. His hon. friend had only done justice to his majesty's ministers in supposing that they were sincerely anxious to procure its total abolition.

Sir *J. Mackintosh* said, that though it was much to be lamented that a great opportunity had been lost by the government of this country for putting down the abominable Slave Trade, yet he was bound in candour to say, that since the summer of 1815, the noble lord and his colleagues had not been wanting in their exertions to put an end to the traffic. But where solemn treaties had been entered into and shamefully violated, he could describe such conduct by no other name than perfidy. Where declarations were made in the face of Europe in favour of the abolition of the Slave Trade by the very powers who afterwards promoted that trade, he could give to such conduct no other name than that of hypocrisy. He lamented much to say, that the continental governments had proved that they were proof against all the statements of atrocity that from time to time had been made. In violation of solemn treaties, they persisted in promoting that abominable trade. The only hope that remained of bringing them to any sense of shame or justice, was by frequent appeals to the feelings of civilized men. Those governments were now placed beyond the reach of human justice; and their crimes could not be punished by human laws; but perhaps they might not always be in a situation not to feel and to dread the execration of mankind. With respect to the government of Portugal, he could scarcely say that that government had been guilty of a breach of faith. From the beginning Portugal almost bade defiance to the moral judgment of Europe. At one period, indeed, Portugal sold to

England its right and privilege of carrying war and slavery and slaughter on the north of the line; but even those terms it had not observed. Neither the decree of the Cortes of Spain, nor the conduct of America, had any effect on the policy of Portugal. With respect to America, the report of the committee of the House of Representatives was about to be adopted by the senate. He lamented that so much stress had been laid in America on a mere phrase—the right of search; but when it was attempted to place America and France in the same light, he thought the comparison altogether failed. America took vigorous steps to abolish the Slave Trade—she made dealing in slaves a capital offence. But France—what hopes were to be entertained of France? The affair of the Rodeur presented in one view all the aggravated horrors which the traffic naturally excited. Those acts were committed under the eye of an administration which boasted of its zeal for the Christian religion—by persons who assumed a religious regard for the plighted honour of their king, and who yet, by every sort of evasion, fraud and hypocrisy, promoted and encouraged those abominations. The duke de Broglie, much to his honour, recorded his sentiments upon the subject, but the minister of finance did not hesitate to reprobate the treaty of 1814 as anti-national. The minister of finance called a treaty anti-national which had for its professed object the suppression of flagrant acts of robbery and murder; he called those who had agreed to it, blind to the interests of their country, because they were not altogether deaf to the calls of justice and humanity. The article of the treaty bearing upon the case set out by stating, that the horrors of the Slave Trade were against the principles of justice, and opposed to the intelligence of the age, but yet that very treaty permitted those horrors to go on for five years. He recollected the observation of a noble friend of his, a nobleman whom, in spite of some political differences, he would always respect, he meant lord Grenville, that noble lord had truly said, that the preamble contradicted the body of the treaty—the preamble dwelt upon the horrors of the Slave Trade, and in the body of the treaty it was agreed that all amelioration of those horrors should be delayed for 5 years. With respect to Russia—Russia, at the congress of Vienna, was profuse in her abuse of the Slave Trade; she proposed to unite her exertions with other nations to suppress that trade, but her subsequent conduct afforded a remarkable contrast to her professions at the congress. Russia agreed to exclude from her market the colonial produce of those countries which should encourage the Slave Trade; but that undertaking had been openly violated. In 1819, a new tariff, or scale of duties, was published, which absolutely excluded from the market of Russia the produce of those countries that abolished the Slave Trade, and gave a monopoly to the produce of those countries which refused to do so. Cuba and Brazil had a monopoly in the Russian market. It never should be forgotten that those who thus violated solemn treaties, who violated the laws of humanity—those who were ready to carry on this trade, at the expense of a deluge of African blood, were the heads of the Holy Alliance—the professed object of which was, to enforce the performance of the duties of Christianity! And what had followed from their union? Insincere declarations, breaches of faith, the practice of falsehood, the encouragement of barbarity, and the perpetration of cruelty and murder! So long as he had power to combat under the banner of that venerable leader who had so often fought the battles of the oppressed African race, so long would he raise his feeble voice against the continuance of this infamous traffic.

After some farther conversation, the address was agreed to.

HOUSE OF COMMONS.

Friday, June 28.

MR. SAURIN'S LETTER TO LORD NORBURY.] Mr. *Brougham* said, he had that morning read in the public papers an account of a transaction, which, whether it were true or false, was of such a nature, that every man who had a due regard to the prerogative of the Crown, the privileges of parliament, and the purity of the administration of justice, must see it could not be allowed to pass without notice. He alluded to a letter purporting to be written by William Saurin, at that time filling the high situation of attorney-general in Ireland, and purporting to be addressed to no less a personage than lord Norbury, the chief justice in the court of Common Pleas in the same country. The purport of the letter was con-

tained in certain extracts from another letter, written by a peer of the realm (lord Rosse), suggesting to his lordship to exert the influence of his official situation, whilst going on the circuit as judge, to mingle himself up with political conversations, and more especially to interfere with principles affecting the House of Commons, as being connected with the return of members to parliament. He trusted that it was unnecessary for him to apologise for giving an opportunity to his majesty's government, to explain these circumstances, and to deny, if they could, the authenticity of the letter. If the authenticity of the letter were not denied, and if it were really received by the party to whom it was addressed, then he hoped that there was another document also in existence, he meant the answer, a document which he was certain would have been in existence, had a letter with one-thousandth part of the portentous contents of this letter been addressed to any one of the reverend judges of England. Had the letter, of which he complained, only existed in private circles, he should have been doubtful how to treat it.

Mr. Secretary *Peel* did not know whether it was incumbent upon him as secretary of state, to answer the question of the learned gentleman; but as the personal friend of Mr. Saurin, he could not sit silent after it had been asked. As might naturally be expected, he was not prepared either to admit or dispute the genuineness of the letter in question. He could believe the learned gentleman, when he said, that it was with pain and reluctance that he came forward to take notice of this document—a document purporting to be private, and yet found in the public streets—a document which the person who found—if such, indeed, were the fact,—ought to have returned to the owner, instead of publishing it as he had done. He could not say, he repeated, whether the letter was genuine or not; but this he would say, that he would rather, ten thousand times over, be the person who wrote that letter, even though it were ten thousand times worse, than the person who, after finding it in the street—if, indeed, he did find it there—made so infamous and disgraceful an use of it.

SALT DUTIES.] Mr. Brogden brought up the report on the 12th resolution, relative to the payment of the naval and military pensions.

Mr. *Curwen* said, that government ought to attend to the strong call of the country to abolish the remnant of the Salt tax. The continuation of this tax, could not be for the sake of revenue. Patronage was the real object. For so paltry a sum as 200,000*l.*, a tax was to be retained, calculated to be injurious rather than beneficial to the revenue. The complete repeal of the salt duties ought to take place, were it only for the sake of Ireland. In the north of Ireland, employment kept the people in a state of comfort, and consequently of tranquillity. Let this tax be repealed, and the same would be the case in the south, and every man might then have a herring to his potatoe.—If the salt duties were abolished, where we now drew one million from the sea, we might draw many millions. At such a moment as the present, it was imperative on parliament, to see in what way they could give effective energy to the industry of the people. Let them look at the Isle of Man, where a thousand boats were beneficially employed in deriving from the sea the means of subsistence and comfort. Apply a similar principle to Ireland. Repeal the salt tax, and follow up that repeal by lending the people of the south of Ireland money to buy boats, and the good effect would be presently and unequivocally manifested. Would not that be much better than to support the patronage which the preservation of the duty gave to ministers? Would not that be better than to continue 200 excisemen in office in Scotland, and 800 in England? A heavy responsibility would rest on government, if they persevered in retaining this tax. He would move as an amendment, to omit all the words in the resolution, for the purpose of inserting the following—"That all duties payable on salt in Great Britain and Ireland, shall cease, and be no longer payable."

Mr. *Leycester* said, that the disinclination evinced to relinquish this duty, appeared to him to be a part of the ministerial horror of plentiful produce and abundant markets. There could be little doubt that this obnoxious remnant of taxation was retained at the solicitation of the collectors of it. The repeal of this tax would purchase for ministers the good humour and good opinion of the country; and as these commodities were evidently growing dearer and dearer every day, the right hon. gentleman could

not do better than lay out a little money in this way. The Chancellor of the Exchequer would say, he expected to raise 400,000*l.* instead of 200,000*l.* by this tax. So much the worse: the thing to be avoided was, the taking of money out of the pockets of the people—the thing to be desired was, to leave a shilling in them, if they happened to have one there. There was not the smallest pretext for retaining this tax. They who were desirous of not having to pay for their salt sevenfold would support the amendment. If the right hon. gentleman was determined to retain such a quantum of revenue as this 200,000*l.*, let the tanners wait till next session for the repeal of the leather tax.

Mr. *J. Smith* supported the amendment, but was anxious that the surplus of revenue should not be abandoned, lest public credit should be prejudiced.

Mr. *Denison* wished this odious tax should be repealed. He was anxious that the public creditor should receive his dividends, and thought that every effort ought to be made punctually to pay him, but when that had been made, all had, in his opinion, been done, that was necessary.

Mr. *Lyttleton* considered the advantage to be gained by retaining the trifling remnant of this tax, to be by no means equal to the inconvenience attending the pressure of it.

The *Chancellor of the Exchequer* regretted that an arrangement which, when first proposed, appeared to give general satisfaction, should be disturbed by this amendment. If the House determined on the total repeal of this tax, he should be compelled to abandon his resolution of repealing a part of the leather tax. He was satisfied that a partial repeal of both taxes would be more beneficial than the total repeal of one of them. He had been accused of a desire to retain the tax, on account of the patronage; but the fact was, that the Treasury had nothing to do with the patronage. The officers were all appointed by the board of Excise. The saving, on the head of collection, in case of a total repeal, would be very inconsiderable, as the officers employed for this tax were employed also for other purposes; and very few of them could be dismissed. The Irish fisheries were under none of the restrictions which had been complained of; so that the argument as to the inconvenience in that respect, fell entirely to the ground. He did not much approve of the extension of bounties. It would lead to the system described by Adam Smith, under which men fished for bounties rather than herrings. When it was considered how great was the reduction already afforded, he could not believe that the public would be inconvenienced by the remnant. The duty would not be more than a halfpenny in the pound. The remnant of the tax had been called contemptible, but it amounted to 200,000*l.* a year—a sum which he could not consent to give up. If the House were resolved on repealing this tax, he must retain the tax upon leather. The total repeal of the tax would materially interfere with the kelp trade in the Highlands; a trade which gave employment to 40,000 persons. If he abandoned the whole of the salt tax and a part of the leather tax, he should be sacrificing the best interests of the country.

Mr. *Wodehouse* objected to their clinging to the wretched remnant of a tax, the produce of one-fourth of which must be spent in paying the officers who collected it.

Lord *Althorp* contended, that it was impossible for the Chancellor of the Exchequer, with any regard to his own character, to carry into effect his threat not to relieve the country from any part of the leather tax, if the whole of the salt tax were repealed.

The *Chancellor of the Exchequer* said, he had always made the reduction of the leather tax dependent upon the measures adopted regarding the salt tax.

Colonel *Wood* said, he should always vote upon principle against isolated motions for repeal of taxes. Instead of sweeping away different taxes, the proper way would be to lower all taxes to a certain extent.

Mr. *R. Martin* said, that on the western coast of Ireland the people found no market for their labour, but in the manufacture of kelp. He stated this in behalf of the famishing population of that part of Ireland, assuring the House, that if this remaining duty on salt were repealed, the whole of the persons in that part of Ireland would have no market whatever for their labour.

Mr. *Lushington* said, the question was, whether the House would disturb the financial system which his right hon. friend had recently introduced? His right

hon. friend proposed the repeal of 13-15ths of the salt tax, and one-half of the leather tax. He also proposed the repeal of the Irish window tax. In the whole, two millions of taxes. That arrangement, gentlemen received with acclamations; but they now proposed to disturb that system, and by assailing the sinking fund to deprive the public creditor of the security that he ought to enjoy. It was now proposed to take away the entire tax, as far as it regarded the fisheries—a measure, which would be injurious, instead of beneficial to them. He would, if the question were now pressed on him, prefer the repeal of the tax on candles: he would rather see another tax, the tax on coals, remitted, than the leather tax.

Mr. *Wetherell* said, he would oppose the motion, because, without going into a consideration whether the leather tax ought to be preferred to the salt tax, he thought, that tax after tax could not, with safety to the country be remitted.

Mr. *Scott* said, that the time had arrived for taking off many of the burthens imposed on the people during the course of the late war. There were two modes of granting relief from taxation. The one was by taking off taxes altogether; the other by reducing them, and retaining a little of every tax. He was in favour of the former mode, because, if an entire tax were taken off, it would relieve the people more than if the same nominal amount were remitted from two different taxes. If a tax were reduced, so as to leave 200,000*l.* of it still to be collected, the public, instead of paying merely that sum, would, in all probability, looking to the machinery of the tax, pay at least half a million. If the whole of the salt tax were removed, the people would feel a substantial benefit; but if 2*s.* per bushel were suffered to remain, it would be swelled to about 5*s.* 6*d.* There was no just ground for continuing this tax—a fact which was very evident from the manner in which its continuance had been defended.

Sir *F. Ommaney* approved of the partial repeal of the salt tax, but could not vote for its total abolition. Government had made great efforts to contract the public expenditure; and much individual suffering had been the consequence. Let the House look at many of the public servants who had been employed 14, 15, or 20 years. They were reduced to a state of beggary, and some of them had actually shot themselves. This was not the way to treat faithful servants, and parliament was bound, fairly, openly, and honestly to support the taxes in order to enable those persons to maintain themselves.

The Marquis of *Londonderry* said, he would endeavour to call back their recollection to the evening when his right hon. friend brought forward his proposition for a relaxation of the taxes, and when he (lord L.) congratulated the House on the unanimity which that measure appeared to produce. He would ask, when his right hon. friend afterwards proposed new measures with respect to the leather tax, and to the salt tax, with reference to the fisheries, whether there was not a tacit pledge that the latter subject would be pursued no farther? After what had been done by his right hon. friend, he did not think the gentlemen opposite had taken the tone which they ought to have adopted on this occasion. They ought not now to take advantage of what his right hon. friend had previously done, to press for other measures which could only retard and embarrass the business of the country. There was a very great distinction between the situation in which they now stood, and that in which they were placed at the commencement of the session. They ought to consider what quantity of taxation had already been remitted, and how far the House was bound by its own acts to preserve the interest of the public creditor. At one time it was an option between tax and tax; but that was no longer the case; an election had been made, and it was with reference to that election that the reduction of the 5 per cents took place, which enabled ministers to give up the leather tax, and to grant other relief. That transaction was placed on the records of parliament: it was the most important financial measure of the session, and now formed a part of the law of the land. Therefore, though originally it might have been an option between the salt tax and the leather tax, it had ceased to be so; and to call for a repeal of both would be a virtual retractation of the votes given in the present session. He was happy to find that his right hon. friend had, with that manly firmness and integrity which belonged to his character, refused to give up the salt tax. After having offered his resolution to the House

—after having brought forward this inchoate proceeding—he was right in saying, that unless he heard very substantial reasons in the course of the discussion to induce him conscientiously to abandon it, he could not comply with the demand of the gentlemen opposite. If the salt tax were wholly repealed, it would be necessary to continue that on leather; which would inflict a severe injury on persons employed in the tanning trade. They would have been deceived, and would have good reason to complain. When his right hon. friend first proposed a remission of taxes, there was a universal concurrence on both sides of the House, as to the propriety of the measure. The hon. member for Cumberland required that the fisheries should be exempted from the salt duty, and the point was conceded. What was the grateful return made for that concession? He now turned round and said, "because you have given up so much, you shall give up more."

Mr. *S. Wortley* said, that if called upon to make an election betwixt the total repeal of the salt tax or part of the leather tax, he should prefer voting for the total repeal of the salt tax; although he did not think that the repeal of either of them would much benefit the country.

The House divided: For the original resolution, 104. For Mr. Curwen's amendment, 92.—Majority, 12.

HOUSE OF COMMONS.

Monday, July 1.

THE BUDGET.] The House having resolved itself into a committee of Ways and Means,

The *Chancellor* of the *Exchequer* said, it might be thought requisite for him to make some apology to the House for submitting to it the general state of the financial operations of the year, before it had acceded to a large portion of the estimates which it was generally thought necessary to pass previously to any winding up of the statement of the public expenditure. It had generally been deemed proper to go through the whole of the votes of Supply before the Ways and Means were submitted to the House, containing a review of the operations of finance by which they were to be substantiated. He was obliged, however, to deviate from that course on the present occasion, owing to the late period to which the session had been protracted. Each side of the House mutually charged the other with being the cause of delay; but, without staying to inquire to which of them it ought to be attributed, he should take it for granted that they were all agreed to let the public business proceed henceforth with as little interruption as possible. He could assure the House that his statement could not be deferred any longer without great inconvenience to the public interests. In the first place, it was desirable that the general statement of the finances should be submitted to parliament before the arrival of that period of the year in which its members left their residences in London for the country; and, in the second place, it was necessary that certain votes should pass before the 5th of July. The House was aware that the sinking fund, according to the resolution passed in 1819, was only voted to the 5th of July. Now, the sinking fund for 1821 would expire within a few days; and unless a vote to continue it were passed before the expiration of that time, it would be impossible, without much irregularity to prevent the loss of a quarter. If no vote were passed before the 5th of July, the commissioners would be bound to apply a fund of three or four millions, which they now had in hand, in a manner which would not only be highly inconvenient to themselves, but which would also create an irregular purchase of stock by no means desirable. He should therefore state the expenditure according to the estimates laid before parliament, although the whole of them had not yet obtained its sanction; taking care, however, to observe the constant rule and practice of parliament, that the grant of no sum should be made that was not absolutely required for the public service, and leaving, with all due constitutional jealousy, in the discretion of the Crown, no sum of unappropriated money, which, even though it were not misplaced, would still be dangerous from the precedent it would establish. He should therefore proceed to ask for a sum which would cover all the services of the year, as well those which had been sanctioned by parliament as those which had not; and in doing so, he could assure them that he was not asking for a single farthing more than was necessary.

Having stated to the House his reasons for bringing on the budget at a time when several of the services of the year

were yet under consideration, he should next proceed to state the amount of the different votes, and the Ways and Means by which he proposed to defray them. The sum wanted for the military service of Great Britain and Ireland amounted to 7,925,000*l*. of this sum 6,530,000*l*. had been already voted, and the remainder had not. The naval services amounted to 5,480,000*l*. and had all been voted. So had the ordnance services, amounting to 1,200,000*l*. Of the miscellaneous services, amounting to 1,700,000*l*.—764,000*l*. had been voted for Great Britain, and 50,000*l*. for Ireland, besides which 100,000*l*. had been voted to Ireland in a committee of Supply. The remainder, amounting to above 790,000*l*. was to be found among the estimates which at present lay upon the table. There was also on the table a charge of 310,000*l*. for the out-pensioners of Greenwich hospital; 1,200,000*l*. for interest upon Exchequer bills; and 291,606*l*. for payments for services charged upon the aids of the year, but not specially voted. Thus the amount of services already sanctioned by parliament was about 15,300,000*l*. and there remained for services for which the estimates had not been voted 2,500,000*l*. making a grand total of 17,815,000*l*. But there had likewise been made during the present session considerable advances for the reduction of the public debt. There was a charge of 290,000*l*. for sinking fund on Exchequer bills, and of 2,801,000*l*. for the re-payment of the holders of 5 per cents, of which 62,000*l*. for the re-payment of the holders of Irish 5 per cents remained yet to be voted. There was likewise to be voted 290,456*l*. for the deficiency of the Ways and Means for 1821. He would here enter into an explanation to show that he had not been negligent of his duty last year, when he left a deficiency to the amount he had just stated. Gentlemen who had attended to the debates of last year, would recollect that he had at that time submitted to the committee that a deficiency was likely to arise in consequence of some circumstances which affected the out-pensioners of Greenwich hospital. The whole expense both of the in-pensioners and out-pensioners had been defrayed, up to the last year, out of the funds of the hospital itself. A great part of those funds was vested in stock, and arose out of the share of prize money to which it was entitled during war. Now, as there was no prize money coming into its coffers during a time of peace, its funds had become so reduced, that the accountant-general of the hospital had found it necessary to state to government his opinion that no payments could be lawfully made from it to the out-pensioners, and that the expense of supporting them must thenceforwards devolve upon the public. That opinion was referred to the consideration of the Crown lawyers; and though their decision upon it was not known at the time he made his last year's financial statement, he had still felt it his duty to state that a deficiency was likely to arise, and that a demand of the nature he had just mentioned would be made upon the public. As soon as that demand was made, he proposed an act of parliament to enable him to issue Exchequer bills to meet it. About 260,000*l*. had been so paid; and an explanation of the services for which the remainder was required would be found in a paper upon their table. Now, if these three last mentioned sums, amounting together to 3,381,456*l*. and all employed for the reduction of the debt incurred, were added to the 17,815,000*l*. of which he had before spoken, it would appear that the total sum wanted for the services of the year was 21,196,456*l*.

To make good this amount, he should now propose his Ways and Means, stating at the same time, that part of them had been already agreed to by parliament. In the first place, annual taxes to the amount of 3,000,000*l*. had been already voted. These taxes last year amounted to 4,000,000*l*. but they had been reduced this year to 3,000,000*l*. by the reduction of the annual malt duties, which formed a large constituent part of the annual taxes of last year. The next item was 1,500,000*l*. reserved upon the tea duties, and 200,000*l*. upon the lottery. [Hear, hear!] There was some objection, it appeared, to this latter mode of raising money; he wished that those who objected to it would point out to him some other mode less objectionable of raising it. The next item was, old stores 151,000*l*. That item last year amounted to 163,400*l*. but, as it was one that arose from the general equipment of our forces, it was evident that it would diminish during peace, from time to time, until it reached the average of consumption. In the last year's budget, they had had the advantage of 500,000*l*. the surplus pecuniary indemnity payable by France. He

was not able to transfer this sum any longer to the credit of the country. The accounts of the manner in which it had been expended last year he had not yet been able to present to parliament; but he trusted that he should be able at the commencement of the next session to show the full appropriation of it. There was, however, 110,000*l.* to be repaid by the commissioners for issuing Exchequer bills for public works. These sums, added together, amounted to 4,961,000*l.* To complete, however, the supply for the service of the year, he proposed to contract a sinking fund loan of 7,500,000*l.* And here he thought it might be as well to explain why he did not intend to take a greater sum under the present circumstances. Last year 13,000,000*l.* had been voted from the sinking fund alone; but this year 7,500,000*l.* would answer his purpose. He would explain to the House how that happened. In the last year the sinking fund loan had been 13,000,000*l.* in the two preceding years 12,000,000*l.*; and now, he again repeated, he intended to reduce it to 7,500,000*l.* His reasons for so doing were these. In the first place, his wish was, that the sinking fund for the present year, instead of extending from the 5th of July, 1822, to the 5th of July 1823, should only extend to the 5th of April 1823. His reason for this was, that in the next session of parliament he intended to propose to its consideration a measure for a general revision of the sinking fund. He should not therefore like to tie up the commissioners by a strict appropriation to so late a period as the 5th of July; and for that purpose he limited his sinking fund loan to 7,500,000*l.* If they supposed four quarters to be taken at the same general amount, it would amount to 10,000,000*l.*; and one reason why he did not wish it to amount to more was, that a great reduction of the nominal amount of the sinking fund would take place at the end of the session. The House, by an act of this session, had appropriated 2,800,000*l.* to the payment of the pensions and the half-pay, which it was very evident would have an effect upon the nominal sinking fund. By referring to the papers on the table, it would be seen that of the 7,500,000*l.* borrowed from the sinking fund, there was taken from the sinking-fund of Great Britain, 7,350,000*l.* and from that of Ireland, 150,000*l.* It was proper that he should now call the attention of the committee to the terms upon which this loan had been obtained. For every 100*l.* sterling, 100*l.* had been given in the 3 per cent reduced annuities, and 24*l.* 10*s.* 7*d.* in the 3 per cent consols. Comparing the prices paid in the present year with those of last year, it would be found, that 130*l.* three per cent stock had been given in 1821, for 100*l.* sterling, which had been purchased this year by 124*l.* stock. In one point of view it was not a matter of public importance whether a loan from the sinking fund was obtained at a lower or a higher rate; but it was of material importance, with a view to the public credit of the country, to know that there was an improvement of 6 per cent. He should now proceed to state what sum would be appropriated to the real purchase of stock. It would be found from the vote come to by parliament in 1819, and confirmed by that of the present session, that a clear sinking fund of at least 5 millions should be established. The total sum that would be applicable to the purchase of stock between the 5th July 1822 and the 5th July 1823, was 5,433,855*l.* Last year the sinking fund, it was calculated, would amount to 4,415,333*l.*, including 110,820*l.* to be paid by the East India Company. It would, therefore be seen that the sum to be applied to the reduction of debt exceeded by about 900,000*l.* that reckoned upon as applicable to the same purpose last year, including in both cases repayments to the Bank; and in the present year a reserve for paying the dissentient holders of 5 per cent stock. The next item was a sum of 557,000*l.* from the East India Company. And here it might be for the convenience of the committee that he should enter into an explanation of the state of the claims of the East India Company. It was well known that during the last two years the company had advanced considerable claims upon the government, on account of various services performed for the country, and particularly on account of the St. Helena establishment for the detention of Buonaparte. The claim originally amounted to a sum of 1,900,000*l.*; which, if interest were granted upon the scale usually allowed, would establish a claim on the part of the Company to 5,000,000*l.* To that claim, however, a variety of objections was made by the agents of government; and a settlement was afterwards adopted, on the only principle which could be adopted between the two parties. Each of them

agreed in the arithmetical accuracy of the other's account. But it appeared to the Treasury and its commissioners, that several of the claims of the Company were not justified—that some of them had been previously rejected, and that others were even then under consideration. On the other hand, a large counter-claim of the public on the Company was disputed by the Company. The House would see that the only mode of settling such a dispute between two such parties was by a compromise. Hence the discussion of the question assumed the appearance of a negotiation between two independent states. On the one side was the Company consulting the interest of the proprietors: on the other, the Treasury struggling to prevent any unjust claim from being made upon the public service. The question was therefore submitted to arbitration, and it was thought better by both parties that a sum should be first fixed on by the arbitrators, and afterwards be submitted to the wisdom of parliament, than that both of them should adhere to their strict rights, on which point no tribunal could decide between them. After much consideration it was thought fair and just to both parties, to allow the Company 1,300,000*l.* on its claim of 5,000,000*l.* [Hear, hear! and a laugh.] He trusted that those who had read the papers would not think the Company hardly dealt with. He verily believed that the Company was satisfied, [Hear!] and on a review of the papers, he thought that parliament and the public ought to be satisfied also. After this sum was allowed to be due to the Company, the next consideration was, to what purpose it should be applied? And here it appeared to him to be most just and equitable, that it should be applied to the reduction of the loan made to the Company by government in 1812. In proof of this, he referred to the act of the 52nd Geo. 3rd, under which that loan had been made. It was afterwards agreed, that the Company, upon the payment of 557,000*l.* in addition to the 1,300,000*l.* allowed to be due to them, should be freed from any future call for the repayment of that loan. It was more convenient to the public service that this sum should be carried to the amount of the present year, than that it should be disposed of in any other manner. By that arrangement, the public would be relieved from all claim on the part of the Company, and the Company from all claim on the part of the public. Of the 557,000*l.* agreed to be paid in liquidation of their debt, 27,000*l.* had been already paid to the government, and had been applied by it to the repayment of the holders of 5 per cents, and the remaining 530,000*l.* was at present due from the Company to the government. Now, if to the sums he had mentioned, 2,450,000*l.* were added, which would be received for the commissioners for payments on account of the half pay and pensions, they would have all the Ways and Means for the year, except that portion of it that was connected with the unfunded debt. And this led him to say a few words upon that important subject. In 1821, the Exchequer bills, unfunded, amounted to 29,000,000*l.* the Irish Treasury bills to 1,000,000*l.*, and the bills for public works and churches to 368,330*l.*, making a total of 30,368,330*l.* Now, turning to the actual amount of the unfunded debt of Great Britain and Ireland, he found that in the year ending the 5th of January, 1822, the Exchequer bills were 31,566,550*l.* and Irish Treasury bills 1,105,181*l.*, making a total of 32,661,731*l.* Adding to this sum 3,100,000*l.*, which had been voted during the year for the deficiency of the Ways and Means of the last year, and for the payment of the holders of 5 per cents, they would have a sum of about 35,000,000*l.* The increase of the unfunded debt in the last year would, therefore, be nominally about 5,831,670*l.*, but in reality not much more than 1,000,000*l.* if it were considered that part of the above sum was expended in renewing old Exchequer bills, and in paying off holders of the 5 per cents, which was equivalent to the extinction of a certain portion of our debt. The right hon. gentleman proceeded to observe, that he should endeavour to show the actual amount of our means to meet the expenditure. He would assume that, unless some circumstances occurred to influence them, the produce of next year would at least equal that of the present. He found, that, for one year, ending the 5th April, 1822, the produce of the Customs of Great Britain was 9,325,000*l.*; the Customs for Ireland 1,418,000*l.*; making, together, 10,743,000*l.* The produce of the Excise of Great Britain for one year, up to the 5th April last, was 26,195,000*l.*; that of Ireland 2,111,000*l.*; making 28,306,000*l.*; but, from the Ex-

cise must be deducted the amount of malt duty repealed, 1,500,000*l*., and also the loss on the salt duty, calculated at one half year's produce, 650,000*l*., making, together, 2,150,000*l*., leaving a nett sum of 26,156,000*l*. The stamp duty, to the 5th April, amounted to 6,637,000*l*. The post-office, 1,335,000*l*. The assessed taxes 7,525,000*l*. The assessed taxes, for Ireland, 1,300,000*l*., making 8,835,000*l*., from which should be deducted 500,000*l*.; leaving a nett sum of 7,335,000*l*.; but a further sum of 100,000*l*. might be expected, when the receivers-general should have paid in the balances; but calculating that sum at one-half, he would take the whole sum at 7,335,000*l*. The miscellaneous produced for the same period 380,000*l*. Old stores, 151,000*l*.; making, together, 53,033,000*l*., to which should be added 1,220,000*l*.; being one-fourth the produce of our annual taxes and tea duties; the whole amount would then be 54,253,000*l*. If the returns could have been made up to the 5th instant, the progressive state of the surplus would be found much more considerable; for, although the accounts only r—ched to Saturday last, he had the satisfaction of stating, that a surplus appeared beyond the receipts of the whole corresponding quarter of last year of no less a sum than 622,000*l*. So that, should the receipt of the total revenue for the present quarter only equal that of the corresponding quarter of last year, it must be highly satisfactory to the country, if the number of reductions in taxation which had since taken place were taken into consideration.

Having stated the receipts of the year at 54,253,000*l*., he should now recapitulate the expenditure for the same period. The charge on the unredeemed debt of the country would be this year augmented by the grant of annuities to the amount of 2,800,000*l*., making a total of 30,911,000*l*. The interest on Exchequer bills, together with payments for services charged upon the aids of the year, but not specially voted, was about 1,500,000*l*. For the army 7,705,000*l*.; extra expense in Ireland, 220,000*l*.; making a total for the army of 7,925,000.; navy, 5,480,000*l*.; ordnance, 1,200,000*l*.; miscellaneous, 1,550,000*l*.; and under that head, extraordinaries in Ireland, 150,000*l*.; Greenwich Hospital out-pensioners, 310,000*l*.; adding these several sums to the 30,911,000*l*. he had already enumerated, there would appear a clear surplus of 3,130,000*l*. for the country; add to this the saving which he would be entitled to reckon on the 5th April, of 700,000*l*. in the five per cents., and 2,200,000*l*. in the half-pay and pension arrangement, and they would find he had a surplus of 5,000,000*l*. at the end of the year for a sinking fund. Perhaps the House would allow him to take a prospective view of the probable expenditure for the year 1823. Estimating the army at 7,705,000*l*., provided no extraordinaries were required for Ireland, the navy at 5,500,000*l*., the ordnance at 1,200,000*l*., the miscellaneous at 160,000*l*. (supposing no excess under that head for Ireland), and supposing what he felt himself entitled to assume, that the receipts of the Revenue and Customs next year would equal the amount in the present, he had no doubt that the next year would afford a surplus of 6,142,000*l*.; so that taking the next year's surplus and the present, without any contingent prospects, they had every reasonable hope that the two years taken together would furnish a clear surplus of 10,000,000*l*.—He had already touched upon the reduction of the 5 per cents early in this session, and he could not refrain from taking that opportunity of congratulating the House and the country upon the satisfactory and most successful manner in which that reduction had been carried into effect. If any thing could show the solid foundation of British credit and the extent of her resources, that plan was calculated to carry the most convincing impression in every respect. Another arrangement had followed upon the reduction of the 5 per cents, which was also of great importance: he meant the Bank reduction of interest from 5 to 4 per cent. Now, both of these arrangements, so far from affecting the stock-holder, as was by some predicted, had actually advanced the price of the funds. It was clear, therefore, that that class of the community had no reason whatever to complain of the relief afforded the public. He would mention a private anecdote, to show the manner in which property had already been operated upon by these arrangements. An estate had been lately sold, by order of the court of Chancery. The solicitor who had purchased it, said, he had given 5,000*l*. more for the estate in consequence of its increased value since the reduction of interest. Some thought it would be

advisable to force down the operation of the subsisting legal interest by an act of the legislature: he thought such a mode inexpedient, fully concurring in the principle that the regulation of a particular rate of interest by law was quite contrary to the principles of political economy; but he was decidedly against any further extension of its operation beyond the necessity of the case. Having thus laid the general heads of his arrangements before the House, he should move his first resolution, for raising 7,500,000*l.* towards the supply of the year.

Mr. *Maberley* said, that the sinking fund was put forward by the right hon. gentleman, as what he might call the *hocus pocus* for the year. He had taken from that fund, and added to it in such a manner, that it was impossible to make the true state of it intelligible, without a distinct discussion with regard to it. The next point was the debt of the East India Company, upon which topic he must say, that he found some difficulty in comprehending the sort of liquidation that had been made. He was sorry that it had been pressed to a settlement; for it now appeared that we were debtors to the Company: at all events we were *minus*, as regarded that Company, 1,300,000*l.* The right hon. gentleman then went to the finances of 1823, and from this part of his statement, the House had learned, that the right hon. gentleman and his colleagues had come to the end of their reductions of the public expenditure. For in his estimate of the year 1823, he took all the estimates for the present year at the same amount for the next. But he should say, that if they were to have six millions of sinking fund next year, they ought to have nine or ten millions if those reductions were made which ought to be made. The annuity plan was a complete violation of the principle of the sinking fund, by placing a certain portion of debt upon posterity to relieve the present generation. The way that he should have recommended ministers to reduce taxation, would have been, by reducing the whole expenditure of the country. The finance committee of 1817 had declared, that the charge of the army, navy, ordnance, and miscellaneous services, ought not for the future to exceed 17,350,000*l.* Since that year, however, these services had regularly exceeded that sum, and the total excess had been 6,190,000*l.* This year there was only a decrease of 800,000*l.* He was sure, that if the committee of 1817 could have foreseen that a reduction of 30 per cent in all articles would take place, they would have made the estimates much lower. No saving, therefore, had in fact been made on this head; as would appear by their comparing the present estimates thus reduced with the amount which the committee of finance had stated the estimates at. Government should have reformed abuses, and particularly have pruned away the excrescent abuses of the mode of collecting the revenue. To give the House an idea of this, he would state a few facts. The revenue of the Excise amounted to thirty millions, and the charge for collection was 1,420,000*l.* being at the rate of 4*l.* 19*s.* per cent. The Customs produced somewhat less than 13 millions, and the expense of collection was 1,479,000*l.*, being at the rate of 13 per cent. He begged the House to look at this remarkable difference—the lesser sum requiring the larger amount for collection. This surely demanded investigation. For the hackney-coach duties, which produced 26,000*l.*, the expense of collection was 4,000*l.* The hawkers and pedlars' duty, yielding 31,000*l.* cost 6,000*l.* to collect, being at the average rate of 22 per cent. Was it to be borne by the public, that 22*l.* should be paid out of every 100*l.* before it passed into the Exchequer? In the management of what was called the hereditary revenue of the Crown, there was a similar necessity for inquiry. Again, in the Colonies, instead of being a source of revenue to the country, they were a source of expense. The commissioner for woods and forests, and an hon. colleague of his in the ministry, were colonial ministers upon large salaries. The business of the colonies ought to be transferred to the commissariat. It might be said that the sums paid to those colonial agents did not come out of the pockets of the people; but it mattered not from whence it came; it ought not to be needlessly squandered. He next came to a dead weight. Ministers, instead of filling up all vacancies from the half-pay and pension lists, went on creating new appointments. In the lottery-office returns, there appeared under the head of first appointments, one gentleman, aged 47, who received a salary of 255*l.* a year; there were also many other first appointments, in one of which cases the party was 57 years of age, and in another 69. In the hackney-coach returns, there were various first appoint-

ments, one of the parties being 62, and the other 70, years of age. In short, there was only one instance in the returns of a person having been appointed who had previously been removed from another office. He could not avoid alluding to the Bank of Ireland; for while the chancellor was issuing Exchequer bills here, at 3*l.* per cent per annum, he was actually paying 5*l.* per cent in Ireland. The Bank of England too received 275,000*l.* a year from government, and had been receiving not 3 per cent but 6 per cent from government [Hear, hear!]. It appeared that there was to be no reduction in the army, navy, or ordnance. Those establishments, it seemed, were kept up at a larger expense in consequence of the ill government of Ireland. The disturbances and distresses of that country arose, first, from the mal-administration of government; and, secondly, from the number of absentees. What objection could there be to a thorough examination of the public expenditure; not by commissioners, but by suitable committees of that House? There ought to be a complete revision of the financial system of the country. He was far from drawing a gloomy view of the situation of the country. The cultivators of the soil were in a state of considerable distress, and nothing would be more grateful to them than a reduction of taxation; and, regarding the present situation of all the great interests of the country, he thought this was the best time to look into these matters. The talent, the industry, the knowledge and science of the nation were increasing, and would enable them to pay even greater than their present burthens; but that formed no justification for increasing them unfairly. He was convinced the country would go on increasing in prosperity, not in consequence of its good government, but in spite of its bad one.

Mr. *Ellice* said, he wished to call the attention of the House to the result, if result it could be called, of the statements of the chancellor of the exchequer. He did not think that any gentleman would derive consolation from the determination to which government had come of keeping up the establishments of the country as they at present existed, without any reduction. The right hon. gentleman had told them, that the charge for 1824 was to be exactly the same as the charge for 1822. The second part of the result in question, was the state of the sinking fund. He had understood the right hon. gentleman to say, that we had for the present year a sinking fund of 5,000,000*l.*, and that he hoped next year to have an equal sum applicable to the same fund, making together a clear surplus revenue, on the two years, of 10,000,000*l.*, but he thought he should be able to show, that instead of our having in the two years a sinking fund of clear surplus revenue beyond the expenditure of 10,000,000*l.*, we should have one, in reality, of about 2,000,000*l.* only. The surplus revenue was estimated by the right hon. gentleman at 5,000,000*l.* But of this amount, 1,830,000*l.* was charged on account of the transaction with the East India Company, making an addition of 70,000*l.* a year and upwards, for interest, on account of a burthen from which the Company had been relieved, and which was now imposed on the public. The next amount was to be paid to the commissioners for the management of the sinking fund, from the dead fund; but he confessed he did not at all understand this part of the arrangement. That amount was to be 2,400,000*l.* Add to this the East India charge, say 1,800,000*l.*, and the total would be 4,200,000*l.* Then the right hon. gentleman admitted, that the increase of Exchequer bills was equivalent to 1,000,000*l.* Thus, the whole surplus, or rather more, was accounted for, and thus they would find the amount would stand in the ensuing year. An hon. friend of his had, in the beginning of the session, clearly proved that from the injudicious manner in which the sinking fund had been managed since the termination of the war, by the issue of Exchequer bills for the purchase of stock, and by the consequent raising of the market against the government, a loss of 5,000,000*l.* had accrued to the public. He must notice, in the next place the amount of the unfunded debt. The prices of stock, it was true, were high—from 81 to 82; and the right hon. gentleman might have good reasons for supposing that no event was likely to arise of a nature hostile to the public peace and prosperity. In this view of the case, the prices of the funds, it was most probable, would increase. But suppose that any unforeseen accident should lower them—what would happen then?—that they would have been greatly raising the market against themselves, on account of buying with Exchequer bills. These bills they might be called on at some future time to fund. This contingency had

occurred once before; and why should it not occur again? The right hon. gentleman had talked a great deal about the present state of public credit. There could be no doubt that the finances of the country were in a flourishing condition. But if they really possessed the sinking fund of which the chancellor of the exchequer had spoken, it would be much better to remit taxes to the extent of such sinking fund. This would afford a sensible relief. They had already received one petition from Kent, praying for a reduction of the dividends; and although he would go along with the feelings of the House on that occasion, in reprobating such a violation of faith, as partially applied to the public creditor, and as more likely to aggravate than mitigate the evils complained of by the petitioners, he did not wonder that men who had been nearly ruined by proceedings which had so much added to the property of the public creditor should complain of the additional burthen continued upon them for a sinking fund. Let the House look back to the relative situation of the parties in 1814, or subsequently at the renewal of the war in 1815. The 3 per cents were then at 53, and gold at 5*l.* 8*s.* The 3 per cents were now upwards of 80, and gold only 3*l.* 17*s.* 10*d.* Nearly every shilling of funded property, which the public creditor possessed in 1814 or 1815, was now nearly doubled in value. On the other hand, every other species of property was now depreciated in about an equal proportion. The farmer's property was reduced in value, at least one-half. The public creditor's stock, on the contrary, had increased to double its former value; and this, too, not in the ordinary course of things, but in consequence of the proceedings of the legislature. Really he must be of opinion, that the House ought to look into this matter with a view to reduce the national debt by some fair and equal contribution of all descriptions of property.

Mr. *Ricardo* said, that the chancellor of the exchequer had held out great hopes of what was to be expected from the sinking fund, and had stated, that a mere accident only had prevented all those hopes from being realized this year, but that next year we should receive its full and effective benefits. He (Mr. R.) feared, however, that we should go on as we had done, and that some accident or other would continue to prevent us from enjoying those benefits which the chancellor of the exchequer had so flatteringly held out. If the committee took the account in the way in which the chancellor of the exchequer wished them to view it, there would appear a surplus of 5,000,000*l.* this year, and, that in 1824 there would be a surplus of 6,000,000*l.* The right hon. member had, however, come at last to that point from which he (Mr. R.) wished to start, namely, that without a surplus of revenue over expenditure there could be no real or effective sinking fund. Now let the committee observe the manner in which the chancellor of the exchequer had made out the existence of such a surplus in the present year. He said that we had a surplus of 4,961,000*l.* But, how stood the fact? Taking the total exchequer deficiency at 14,144,000*l.* and deducting it from 15,481,000*l.*, the sum to meet it, there would remain only 1,400,000*l.* as a real and effective sinking fund this year. "Oh!" said the chancellor of the exchequer, "We have by accident to pay the Bank 530,000*l.* this year, but next year we shall have no such incumbrance, and therefore our surplus will be complete." He wished to know by what process of calculation the chancellor of the exchequer could made out his 5,000,000*l.* this year? The revenue of the country was 53,087,000*l*, the expenditure was 51,119,000*l.* making a surplus of 1,968,000*l.*; this appeared to be the entire surplus of the year; but "No," said the chancellor of the exchequer, we have 700,000*l.* saved by the alteration of the five per cents; we have also to make allowance for 2,600,000*l.* received." How this could be brought in under the head of surplus revenue he could not perceive. A sum of five millions might be easily made out; but would the committee call it a surplus of revenue? Then, again, the right hon. gentleman stated, that in 1824 there would be a surplus of 6,000,000*l.* But how was it to be obtained? It was to be obtained by taking credit for 4,875,000*l.* which was to be received from the trustees of half-pay and pensions. Now he would ask, whether there were no payments to be made on the other side of the account? The chancellor of the exchequer must know, that money so obtained could not be looked upon in the light of receipts at all. The receipts in 1824 were calculated at 52,400,000*l.* and the expenditure at 50,600,000*l.* so that the real surplus on

the 5th Jan. 1824, would be 1,800,000*l.* He agreed, with his hon. friend (Mr. Ellice) respecting the impolicy of diminishing our funded, while we increased our unfunded debt. He should recommend a diametrically opposite course of proceeding. Adverting to what had been said relative to the Bank having reduced its rate of interest, he expressed his satisfaction at having heard the chancellor of the exchequer say, that the usury laws were unfair. There was no period at which an alteration in those absurd laws could be so properly and effectively introduced as the present, when they were, in fact, a dead letter, the market price of the loan of money being lower than the legal price. But he could not believe, that the reduction of interest made by the Bank had any general effect upon the value of money in the market, or upon the price of land, or of any commodity. If the Bank had doubled its circulation, it still would have no permanent effect upon the value of money. If such a thing had taken place, the general level of interest would be restored in less than six months. The country only required, and could only bear, a certain circulation; and when that amount of circulation was afloat, the rate of interest would find its wholesome and natural level. Undoubtedly he was very glad to hear that the Bank had at length began to discount at 4 per cent.; and he thought they should have done so long before. Had they persisted in demanding 5 per cent, they would have been without a single note to cash.

Mr. *Hume* considered the nominal amount of the debt to be of much less consequence than the actual yearly annuity which the public had to pay in perpetuity. In 1815, the clear permanent charge of the funded debt was 27,638,902*l.* This year, he meant the gone-by year, had increased the charge to 29,800,000*l.* and upwards. Thus it was that we had increased our funded and lightened our unfunded debt. But the chancellor of the exchequer, instead of lessening this permanent charge, had augmented it to 30,911,000*l.*, thereby increasing the annual charge of permanent annuity by about 1,100,000*l.* In this case, too, there was no reduction of funded debt. On the contrary, there was this year to be an increase of between four and five millions. As for the amount of the sinking fund, he did not know where his hon. friend (Mr. Ellice) had been able to find any fund at all.

Mr. *Lushington* said, before he had heard the statement of his right hon. friend, he was satisfied, from his own knowledge of the public accounts, that there was what the hon. member for Portarlington described to be the only true sinking fund—a surplus of income, above all expenditure, of five millions. According to the judgment of the hon. member for Aberdeen, there was no surplus whatever; in the opinion of the hon. member for Portarlington, there was about one million surplus; but he thought he could convince him that the real amount was very different, even according to the hon. member's own mode of stating it. He had stated the expenses of the army, navy, ordnance, miscellaneous, extra expense in Ireland, and Greenwich hospital, to amount to 17,815,000*l.* Add to this the deficiency of ways and means for 1821, 290,000*l.*, making together the sum of 18,105,000*l.* The first item of ways and means of this year for the discharge of these services, as taken by the hon. member for Portarlington, was, for annual taxes, tea duties, &c. 4,961,000*l.*, leaving the sum of 13,144,000*l.* The resources for making good this charge, were, first—The sinking fund of the year 15,481,000*l.*; one-half year's saving of interest on the five per cents 700,000*l.*, add payments by the commissioners for half-pay pensions, 2,450,000*l.*, making 18,631,000*l.*, deduct from this sum the charge of 13,144,000*l.* leaving a surplus of 5,487,000*l.* The hon. member for Abingdon seemed to be dissatisfied with the settlement of the accounts between the public and the East India Company. Now what was the fact? An account of 30 millions, that had not been closed for nearly 30 years, had been settled in a manner satisfactory to both parties. The result of that settlement was, the payment by the Company to the public of 530,000*l.*, the entire extinction of all demands upon either side up to April 1822, relief to the Company from all future charge of interest for the loan of 2,500,000*l.* contracted in 1812, and a charge upon the consolidated fund for the future, of 70,000*l.* per annum. The hon. member also objected to his right hon. friend, that he had estimated the expenses of the coming year, at the same amount as the past. But this should rather be matter of congratulation than

complaint; because, as his right hon. friend had estimated, the surplus of five millions in the next year with the expenditure upon the same scale as the last, it followed that, if any reductions should be found practicable, the surplus would be, to that extent, augmented. In respect to those commissions of inquiry, of which the hon. gentleman thought so lightly, they had done more, in conjunction with the executive government, towards retrenching the expenditure during the last five years, than could have been accomplished by any committee of that House.

Mr. *Calcraft* thought the right hon. gentleman had forgotten, in taking credit for 530,000*l.* to be paid by the East India Company, that, by receiving that sum, we cancelled an account of 1,800,000*l.*, which we had against them. He had, therefore, now 1,800,000*l.* less in assets than at the commencement of the year. But since that Company was to pay 530,000*l.*, that must be deducted from the 1,800,000*l.*, leaving 1,300,000*l.*, which we had been entitled to receive, but should be so no longer.

Mr. *J. Smith* declared himself friendly to a sinking fund. When they looked at the amount of the debt due to the public creditor, they must be satisfied that a sinking fund could alone tend to its extinction. It was on this account that he had ever felt disposed to advocate the principle of keeping up the funds at the highest price. The right hon. gentleman might thus hope reasonably enough, that he should be able to reduce the interest due to the public creditor. There were two ways of effecting such a reduction of interest. One of them he should denominate as fraudulent and scandalous, as one which would involve the country in ruin, overthrow all the institutions of the country, and prove effectually destructive to the landed interest. The second, and the more equitable mode, was, to raise the price of stock so high that the individual creditor should be contented to take a smaller interest on his debt than he had received before. If government performed its promise on the subject of economy, he was not without hope that the 4 per cent stock might be reduced to a lower rate of interest, and perhaps the 3½ per cent. stock reduced to three. With regard to the present distresses of the country, he saw no reason to suppose that they would be permanent: he had never known any article at an extremely low price that did not afterwards become excessively dear; and it might be the case with wheat. The disease carried its own remedy,—cruel, he admitted, but effectual; for the ruin of the small farmers would occasion the growth of less grain, and a consequent rise in what was produced.

Mr. *Brougham* said, that if, instead of dealing in fulsome panegyrics on his colleagues, the hon. secretary to the Treasury had come at once to the pinching view of the subject taken by the hon. member for Abingdon, he would have rendered more service to his colleagues than he had done by the eulogiums which he had thought fit to pronounce upon them. What had these admirable ministers accomplished by all their unheard-of labours? The finance committee of 1817 had estimated the expense of the establishments of that year at 17,350,000*l.*, exclusive of the charge for collecting the revenue, or with that expense 25,100,000*l.* By that standard were to be tried these heaven-inspired ministers. Their estimate for last year was nearly 26,600,000*l.*; and upon their own showing, the establishment this year would amount to 24,250,000*l.* or only 850,000*l.* below the calculation of 1817. Let it be observed, also, that the committee of 1817 did not mean to limit the reductions to the estimates of that day. They thought it very well to begin with; but they entertained and promulgated the idea of pushing the reduction of expenditure much farther. Since that period the House knew that every article of subsistence had been reduced 25, perhaps he should speak with greater truth if he said 50 per cent. The operation on the currency—an operation not contemplated by the committee of 1817—had made an alteration of 25 per cent. The expenditure, instead of being but three quarters of a million less than it was in 1817, ought in point of fact, to be at the very least 5,000,000*l.* less than it was in 1817. The charge for the collection of the revenue in 1817 was 7,750,000*l.*; it was reduced for the present year by a sum of 50,000*l.*, the amount for collecting being 7,700,000*l.* With respect to the East India Company, he would not stop to observe on the compromise with that Company further than this, that if any man in private life had made a certain demand, and afterwards consented to take one-third less than his demand, such conduct would expose him to well-merited censure. Much had been said with re-

spect to the public credit. There was, in his opinion, but one way to support that credit, namely—by following a rigid system of economy—nay, of parsimony, in the expenditure of the public money.

The first resolution was agreed to. On the second being put,

Mr. *Grenfell* begged to put a question regarding the Austrian loan, from which he was sorry to see no sum carried to the credit of the year. Last session the noble marquis had held out a hope that something might be obtained; and, certainly, when the debt was contracted, more solemn assurances of good faith could not have been given. In the whole, reckoning principal and interest, it was, he believed, 17 millions. He apprehended that some bonds were given at the time of the loan, and there seemed no reason why they should not be put up to auction: no doubt speculators would give something for them, and however little, it might be applied to the public service.

The Marquis of *Londonderry* said, that a negotiation was still in progress. From the state of the Austrian finances a moderate compromise only could be expected. It would be too much for him to give any assurance that some arrangement might possibly be made, but still he was not absolutely without hopes upon the subject.

On the resolution respecting a lottery,

Mr. *J. Martin* declared he would take the sense of the committee upon it.

Mr. *Hume* observed, that the chancellor of the exchequer had hinted that he would give it up, if some other tax were substituted. As the wishes of the country had been so often expressed against lotteries, he thought 200,000*l.* should be spared out of the surplus revenue of which the right hon. gentleman had spoken.

Mr. *W. Smith* was of opinion, that if lotteries were continued, one commissioner only was necessary. All of them had not been able to prevent their secretary from appearing on the list of public defaulters.

The committee then divided: For the resolution, 74; Against it, 34. The other resolutions were agreed to.

Alien Bill.] Mr. Secretary Peel moved the order of the day for going into a committee on this bill.

Mr. *Hobhouse* said, that when he heard that it was intended to introduce this measure to the House, he stated that he would oppose it by every means in his power. In saying that, he did not allude to any vexatious opposition. He did not mean that he would divide the House every minute, but that he would give to it the strongest opposition in the ordinary acceptation of the term. Yet if he pursued a different course, he believed he could find a precedent for it. In the debates of 1816 a right hon. gentleman (Mr. Wynn) now a member of the government, had declared that those who opposed this measure ought to use "bodily force and physical resistance against it." The right hon. gentleman to whom he had alluded was in his place a few minutes before, and, as a minister of the Crown, he should have remained there. But he had always taken especial care to be absent upon every one of the discussions relative to this measure. Until the 7th or 8th of May, in the present session, no notice was given of the intention to move for a renewal of this bill; and when it was brought forward, no pretext was stated for having recourse to the measure. He had hoped that the bill would never have been introduced by the present secretary of state. He had cherished the idea, that that right hon. gentleman would have declared to his colleagues, that he would not call for a bill, the existence of which, whatever might have been the case when his predecessors were in office, was now perfectly unnecessary. He was, therefore, astonished when the measure was introduced; and in a moment of irritation very natural he was sure and creditable, he might hope, when all the circumstances were considered, he said what he had done on a former occasion. It was not, however, a weak or foolish feeling by which he was actuated at that time; for he must declare, that during the short time he had been in parliament, he never was so shocked, so mortified, as when he heard the right hon. gentleman give notice of his intention to move for a renewal of this obnoxious measure. But if the announcement of the measure had surprised and shocked him—much more was he surprised—much more was he shocked, at the manner and terms under which the demand for this extraordinary proceeding was made by the new secretary of state for the home department.—Never was he so astonished as when he heard the right hon. gentleman say—"Give me this power, for I want it. Give me this power, for I will not abuse it." When the right hon. gentleman came down to ask for this

bill, his whole demand was a demand for confidence. It seemed that there was some reason of state for re-enacting this measure; but what that reason of state was, the right hon. gentleman would not inform the House. He wondered that the right hon. gentleman could not assign better reasons than he had deigned to adduce; and his wonder was not diminished, when, on examining the debates on former Alien bills, he saw that other ministers had always deigned to employ some pretexts in order to recommend so unpalatable a proceeding.—It might be useful to look a little at these several pretexts, and to see by what steps this tyranny had stolen upon us. The more this subject was considered, the more deeply would gentlemen feel the necessity of adhering to the maxim, *principiis obsta.* The more would they perceive how important it was that they should oppose, in the very first instance, the introduction of any principle that was likely to touch upon public liberty.

When the Alien bill was introduced in 1792, the bill from which all the successive Alien bills had sprung, and which, therefore, must be taken into consideration, Mr. Burke said, "It was to keep out those murderous French atheists, who would pull down church and state." All the individuals in both Houses who supported it, declared it was "a great addition to the power of the Crown, justified only by the emergency and by the right of self-defence." Mr. Burke particularly said, "If the Crown possessed such power in time of peace, it would be too great for liberty." This high authority, for he supposed the opinion of Mr. Burke was still looked upon as high authority, was entirely at variance with the attorney-general for Ireland. That learned gentleman said—"This power was not too much for the Crown;" and he argued, that "the Crown always possessed it." But so great an alteration did this Alien bill make, not only with respect to the ancient constitution of the country, but with reference to the observance of treaties, that, when the country went to war with France, the government of France complained of the power exercised under the bill "as a direct infringement of the treaty of commerce ratified in 1786." What was the case in 1802? Some of the severities of the old Alien law were then removed. And why was the measure introduced? On account, it was alleged, of the unstable situation in which the power of Buonaparte was supposed to be placed. The instability of the first consul's authority was the reason then assigned for having recourse to the bill. Again in 1814, the instability of the house of Bourbon was the reason stated by Mr. Hiley Addington for renewing this measure. He (Mr. H.) stated this to show that special causes were regularly assigned for bringing the Alien bill forward. No minister before the right hon. gentleman had ever come down, and called for this confidence and this power, without advancing some argument to prove the existing necessity. They regularly stated something which served at least as a pretext for introducing the bill. Mr. H. Addington hoped that no objection would be offered to the passing of the bill, "because the period of its operation was limited to one year." Here was the authority of the under secretary of state to show that the measure was not considered a mere matter of course. Lord Castlereagh said at the time "that he could not at once dispense with those precautionary measures which had so long been thought necessary." His lordship, it appeared, could not give up those measures "at once." At what period had they now arrived? They were in the year 1822—seven or eight years after the time of that declaration; and a minister of the Crown came down to the House and said, "You must accede to this bill on principles (if principles they could be called), and you must make its provisions a part and parcel of the law of the land." In 1816, the noble marquis (Londonderry) confessed that "in that reference to particular circumstances it was foreign to the genius and character of the institutions of this country, to confer on the executive government a power so liable to abuse."—The noble marquis mentioned what these particular circumstances were. He said, "That every vicious principle had not been eradicated in France." He also said, that, "The bill would be a mild shield against dangers that had not altogether ceased." This declaration showed that the noble marquis thought it necessary to come forward with a pretext of some description or other, although the present secretary of state did not seem to feel that any such necessity existed. In 1816, when the measure was introduced, it was made contingent on a particular circumstance which was

then in operation in Europe—he meant the occupation of the French territory by foreign troops. The language of the noble marquis, on the 31st of May, 1816, was, "that the bill would expire in July 1818, and the convention might cease with respect to the French fortresses in the November following; so that if it should appear necessary to extend the duration of the bill to the same period, under the circumstances which might then exist, parliament might have the opportunity of renewing their precautionary policy." So that the House would see that in 1816 the noble lord absolutely held out to the House, that the bill might expire before the removal of the Allies from France, and that at any rate it was only meant to last as long as that occupation. In 1818, the excuse offered by the noble marquis (and certainly it was a most notable one) was, that there were 38 French exiles and three French newspapers in the Netherlands, which proved that the revolutionary spirit was still abroad; and that therefore this country must have an Alien bill. The noble marquis still made the occupation of France the excuse for his bill. He said, "that at all events we must wait until we saw the result of withdrawing the army from France." Up to this period the bill had, since the French war at least, been defended solely with a reference to foreign policy; but in 1820 the pretext was a good deal changed. The noble marquis then said, "we were to contend not with foreign but with domestic enemies, which made all precautionary measures peculiarly advisable." He did, to be sure add, "that we were not to compromise our character with our allies;" and thus gave a sort of mixed reason for the renewed measure.—Reasons such as they were had at all times been attempted to be given, and never until now had a minister ventured to demand the passing of this bill merely as a matter of course and on the ground of confidence. Previously to this time the bill had been recommended on the pretext of temporary causes. There was but one individual who had spoken out on the question—he alluded to Mr. Serjeant, now Mr. Justice Best. That learned person said, "This bill will do for any circumstances and for any occasion; and I see no necessity for defending it on the grounds that have been taken." This was perfectly honest. The learned gentleman seemed to have been gifted with a spirit of prophecy, or rather of imprudence, which was denied to the noble marquis. He believed this bill would be found, so long as the noble marquis presided at the head of his majesty's government, "a measure that would do for any circumstances and for any occasion."

When he (Mr. Hobhouse) said, that the right hon. secretary had not condescended to argue the question, he did not forget that the right hon. gentleman (Mr. Peel) had endeavoured to handle the law on this subject, and had quoted Magna Charta. He was always afraid when a secretary of state referred to Magna Charta that he would use it in the same way that a witch would the Lord's Prayer, namely, that he would read it backwards for the purpose of mischief. In referring to the great charter, the right hon. gentleman said, that he would quote "from the original document." What was meant by that assertion he (Mr. H.) could not conceive. Neither did he understand how the right hon. gentleman could twist the great charter to his purpose. He, however, would quote what lord Coke said on that part of Magna Charta, which the right hon gentleman had quoted. The right hon. gentleman had argued that the passage ending with the words "*nisi antea publice prohibiti*," related only to merchant strangers, that was true as to words, but merchant strangers then included all strangers. There were no gentlemen, at that time, travelling about to make the grand tour, and, as a matter of course, merchant strangers were mentioned generally. Lord Coke, in speaking on this passage said, "And, therefore, the prohibition intended by this act must be by consent of the public council of the realm; that is, by act of parliament; for it concerneth the whole realm, as is implied by the word "*publice*." The right hon. gentleman said, that "*publice prohibiti*" meant an order in council; but lord Coke took a very different view of the phrase. He did not wish to be captious; but, when a secretary of state, in the very outset of his career, mistook an act of parliament for an order in council—when he confounded the usage and laws of the realm with the prerogative of the king—when a secretary of state happened to fall into such an error, it was a mistake worthy of recording. It ought to be detected, noted, and, not to use too harsh a term, a little condemned. This was a thrice-committed blunder, and had been detected every time

it was brought forward. He thought the right hon. gentleman would have come down with Puffendorff, sir Edward Northy and the thrice-refuted blunder of sir W. Blackstone. He imagined the right hon. gentleman would have quoted the statute of Henry 4th, that he would have referred to one or two occurrences in the time of Henry 7th, and that he would have alluded to a few of the cases which had been cited by the attorney general for Ireland, as the law (or rather as *his* law) on the subject. He was, however, contented with one blunder only. That blunder had been repeatedly exposed and held up to ridicule, and he did not think it would have been left to a person of the right hon. gentleman's learning again to bring it before the country. The right hon. gentleman, when asking for a measure that gave him complete power over 25,000 individuals, said he should be astonished, if it were refused. He (Mr. H.) was astonished, how the right hon. gentleman could so far forget the soil that gave him birth, the atmosphere which he breathed, the lessons of freedom which he must have heard, as to demand such a power, without assigning any necessity for it. Had he been addressing one of the old parliaments of France, or a Venetian council, he might have been surprised at opposition, but here in England, how could he expect acquiescence? He had declared, indeed, that this power should be used with reason and moderation. But there was no reason—there was no moderation, in intrusting to the discretion of a minister of the Crown, such an authority as this. If the act gave that power, nothing in its execution could make it moderate or reasonable. He would say, with his learned friend (sir J. Mackintosh) "that it was the law itself that was the abuse. It was not the method in which the power was used that constituted the abuse; the abuse was actually in the law itself." But the right hon. gentleman said "here is my responsibility." He (Mr. H.) never heard that word "responsibility," but it excited a smile. The meaning of it was, that, hereafter, the House might call him to account for the manner in which he exercised the power entrusted to him. But he would appeal to the common candour of the right hon. gentleman whether there was any such thing existing as ministerial responsibility? It was, in fact, a perfect nonentity. There was nothing like it since the Revolution. It was true that by a happy coalition of parties some danger might for a time seem to threaten a discarded minister. A minister might stand a chance of being sent to the Tower, like lord Oxford; or of being threatened with impeachment, like sir R. Walpole; or of being placed in considerable danger, like lord North. With respect to the latter nobleman, if it had not been for the coalition, he would have run the chance, not of losing his head, but of losing his honours and emoluments. But, generally speaking, to say that a minister was responsible to parliament, was only saying, that he was responsible to his friends, to his accomplices and in fact to himself.

The noble marquis had asserted that his right hon. friend (Mr. Peel) would raise liberty to a pitch to which it had never before been exalted—that he would do much more for freedom than ever had been done by gentlemen on that (the Opposition) side of the House. And what was his first effort in favour of freedom? Why he came down to the House and called for this unheard-of power; for unheard-of it certainly was, as the circumstances under which it was now demanded were different from those which formerly existed, when it was asked for. The right hon. gentleman had talked so much about his personal responsibility, that he seemed to think there was something about him which would recommend this measure. It was unpleasant to speak of individuals, but, in his opinion, there was something about the right hon. gentleman's principles which was very far from recommending the measure to him. He could not avoid looking on him as a minister of the Crown from whose actions the constitution was likely to receive much harm. He saw nothing in the right hon. gentleman but a minister who would be most dangerous to the liberties of his country. He saw in the right hon. gentleman a politician who had imbibed and cherished principles which could flourish only during the decline, or at the extinction of public freedom. He said this conscientiously, but without any wish to hurt his feelings. The right hon. gentleman was consistent, he was doubtless conscientious, but those very qualities gave an edge and polish to those talents, which if they continued to be employed as they were now directed, would prove extremely detrimental to the country. He thought the right hon. gentleman had taken a view of the liberties of this country, of

its laws and usages, totally different from that taken by some of his great predecessors. Why should the right hon. gentleman think himself, young as he was in office, entitled to demand this authority? If the great lord Chatham came down after his glorious career and made such a demand, he (Mr. H.), if a member of parliament, would have raised his voice against intrusting him with such inordinate power. There had not been a word of the right hon. gentleman's speech on opening this measure that did not assume unadmitted facts or unadmitted reasonings. The right hon. gentleman said, "the measure was necessary for our domestic security." Now, looking to the papers laid before parliament, he found that the bill had been put in operation only against four persons during the last two years. Was it, then, for domestic security—was it to prevent the subversion of the constitution, that three men and one old woman were sent out of England in the last two years? If those four persons endangered the government, the House had a right to know how it was; they ought to be informed why those people were sent out of the country. The right hon. gentleman asked, "whether they would not provide against a great and admitted evil?" He must, in answer to that, make use of language similar to what was adopted by a French writer, in speaking of the Holy Roman empire. He said, "it is neither holy nor Roman, nor an empire." In like manner he would contend, "that it was not great, nor admitted, nor an evil." If it were an evil, which he denied, it was so only in the mind of the right hon. gentleman and his colleagues. If it were an admitted evil, it certainly was not a great one; and when the right hon. gentleman said it was, he must take the liberty, vulgarly speaking, to bring him to book. Were there a number of individuals running through England for the purpose of disseminating revolutionary doctrines? Certainly not. Where, then, was this dangerous evil? What did the ministers call an evil? It was right that they should come to particulars, and know exactly what was meant by this denunciation. His learned friend had alluded to the case of Poland, and asked, "If a Pole, residing in the country, was to bring forward a scheme to recover the liberties which belonged to his native country before it was partitioned and despoiled, would that be viewed as a great and admitted evil which ought to be met by deportation?" He (Mr. H.) would come nearer to the events of the present day, and would ask if, in London, several Neapolitans were found devising the means of expelling the Austrians from their country, would the right hon. gentleman call that a great and admitted evil? Would he send those persons out of the country? He either would or he would not. If he said he would, he declared himself an abettor of all the tyrannies in Europe—he declared himself a foe to the liberties of those states which he must himself admit to have been most infamously treated. Suppose a Piedmontese, in England, endeavoured to restore his country to that liberty which he felt she ought to enjoy, would the right hon. gentleman think it right to send him away? If he would not, then he must say that the right hon. gentleman departed from the spirit in which the Alien bill was framed; and if he would, then did the right hon. gentleman condemn all the deeds of our ancestors; and depart from those glorious principles on which the right of resistance to tyranny had been asserted by the great men who had given to England all her right to predominance amongst the nations of the earth. The fact was, that the great and admitted evil in the eyes of ministers was neither more nor less than the longing of the expatriated friends of liberty to overthrow their tyrants at home.

The right hon. gentleman assumed, "that no abuse had taken place under this bill." It was a mere assumption. Much abuse had been committed under it. The learned gentleman (sir S. Romilly), who formerly stood in the same relation to Westminster which he now had the honour to do, had instanced two cases in which very great abuse had been committed; and no longer back than a year and a half since, the interests of justice had nearly suffered in consequence of this measure. He alluded to the case of the younger Marietti, who was counselled not to come forward and give evidence, lest the act should be put in force against him. But the right hon. gentleman told them, that the security against abuse consisted in the publicity of the proceedings under this act. What publicity could there be in a case like this? How were the public to know what took place before the privy council? A man might

take refuge, for aught they knew, at the foot of the Andes, or in the bosom of the Pyrennees, before his treatment was made known to that House. At length, perhaps, a petition was forwarded to this country, and a member was found bold or imprudent enough to present it. Then down came the secretary of state, and said, " What is stated in this petition is very true, but there are other reasons which induced us to send this man away." He would then be asked, " What are those reasons?" The answer was quite ready, " I cannot disclose them, they are secrets of state;" and then came the usual majority of 3 to 1, or 10 to 1, as the case might happen to be.—The noble marquis had told them that this measure would support the character which the country bore for hospitality. This was what was called in another country " taking the bull by the horns." Supporting hospitality! It was rather a novel way of supporting hospitality to place 25,000 individuals at the mercy of a secretary of state. So then we were now to look upon this Alien bill not only as not deterring but as absolutely alluring foreigners to our shores; and as inducing them, after they had got over the dampness of our atmosphere and the coldness of our manners, to choose a residence amongst us. Lest, however, the noble marquis should be misunderstood, he took care to tell us what he meant by this hospitality, for he said he would treat aliens as he would treat the petitions of the people—in other words, that our guests as well as our natives may think themselves very well off if they are not kicked out of doors. Such powers, when used, should be resorted to in cases of emergency, and without any reference to an act of parliament. That might be considered a strange doctrine, coming from his side of the House; but it was the doctrine of lord Chatham. He had, on one occasion, treated an alien contrary to the laws of the country. In the year 1764, on the debate relative to general warrants, lord Chatham said (alluding to his having sent the count St. Germain out of the country)—" Preferring the general safety in time of war and public danger to every personal consideration, he ran the risk, as he would of his head, had that been the forfeit, upon a like motive—and did an extraordinary act against a suspicious foreigner just come from France, and who was concealed at different times in different houses—the real exigency of the case and the apparent necessity of the thing, would in his opinion, always justify a secretary of state in any extraordinary act of power." This was an old English constitutional language. That great man declared that the act was justified by the necessity of the case. " I would have done it," said he, " if it cost me my head; but I never would do it unless the most over-ruling necessity compelled me." Lord Chatham differed so far from the attorney-general for Ireland, who thought this power always belonged to the Crown in all times, that he thought an apology necessary for using it even in time of war. The learned gentleman had complained, that those who proposed such a measure were put on their defence. To be sure they were: and why should they not? When any minister of the Crown came and demanded a measure that was contrary to the laws and liberties of the country he ought to be put on his defence, and he ought to be compelled to make a defence, which, in this instance, had not been done. The learned gentleman had counted on the acquiescence of the people. He (Mr. H.) believed that the people did not acquiesce. At all events, such an argument came with a very ill grace from the right hon. gentleman. Suppose any one had used this argument against the learned gentleman for the sake of continuing the penalties against the Catholics. How would the learned gentleman have decried and ridiculed such an argument? Suppose that it had been proved the people were against his Catholic bill, would the right hon. gentleman admit that circumstance as any argument against him? Still, even if the people did acquiesce, he (Mr. Hobhouse) would feel it to be his duty to rise up in his place and oppose any proposition that endangered the liberties of the nation. The learned gentleman had said that the people would always interest themselves when the liberty of man was concerned. What! did the learned gentleman mean to say that this measure did not concern the liberty of man, when it gave the secretary of state the power of fining, imprisoning, or sending out of the country, any person he pleased to select from 25,000 individuals? The learned gentleman had said, " he thought if Mr. Fox had lived, that he would have changed his opinion on this subject." He (Mr. Hobhouse) could not say what would have been said or done by that great man if he

had been spared; but when he was told that Mr. Fox would have approved of such a measure as this, he could not help thinking that it was libelling the dead for the sake of insulting the living. He did not find, in the conduct of those who knew as much of Mr. Fox as the learned gentleman, any thing which could lead him to suppose that Mr. Fox would ever have changed his opinion on this subject. The learned gentleman had said the power of expelling aliens had always lain, however dormant, in the Crown, but had been called into play in 1793 because, why?—the learned gentleman's words were strange enough—because—"there was then a revolutionary devil abroad." Of that devil he (Mr. H.) knew nothing; if he had ever assumed that character it was before his time; the devil that had allured men to danger with the hopes of liberty had long changed his mode of attack as even the learned gentleman would hardly deny.

"For Satan, now is wiser than of yore,
"And tempts by making rich—not making poor."

This was the only devil, the demon that tempts with places, and pensions, and string, and titles, and with those charms induces men to forfeit all their former glory, and to forget all their former pledges to their countrymen and to Europe. The learned gentleman had talked of the law and the constitution as favourable to this measure. He stood out for the prerogative upon this point. But if there were such a prerogative why come to parliament. The truth was, there was neither ancient law, nor prerogative nor usage, in favour of this preposterous measure. He (Mr. Hobhouse) thought this point had been settled. The present president of the board of control (Mr. Wynn) had said on a former occasion when this question had been under discussion, "a great deal had been said respecting the sovereignty of the king. Where did the sovereignty of this country exist? The term was, indeed, as a mark of honour and respect, given to the king alone; but the sovereign authority existed in the king and the parliament; there only could it be properly said to preside; and if any honourable member maintained that the prerogative of sending aliens out of the country was vested in the Crown, by him the sovereignty must be supposed as only existing in the king. The right hon. gentleman who last sat down (Yorke) had been at much pains to persuade the House, that by the common law, this prerogative existed in the king; but he would put it to the House, whether for the last 150 years, amidst the many troubles and dangers in which the country had been involved, one single instance of the exercise of this prerogative could be given? Did our forefathers consider that this power was vested in the Crown, although disused? There were, *primâ facie*, several cases which showed that the king in former times had not the power to send foreigners out of the kingdom. For instance, it was on record, that in the reign of Charles the 2nd, when the prerogative was stretched to the utmost, the king dared not attempt to send out of the country a Frenchman who had deprived his majesty of one of his favourite mistresses. But having forbidden this Frenchman the court, and yet seeing him seated with his conquest at the theatre, his majesty complained to the sovereign of France, who at length recalled his subject. Thus Charles 2nd was relieved from the mortification of seeing his triumphant rival, and the French writer who recorded the anecdote, lamented truly, that any sovereign should not be empowered to send the cause of such an annoyance out of the country. There might be persons even in our times who would join in the lamentations of the writer, and therefore approve of an Alien bill; but he certainly could not concur with them in supporting a measure so liable to abuse, and for which no necessity whatever existed. As to the assertion of the learned serjeant (Best), that the liberty of England was for the enjoyment of Englishmen only, he could not conceive upon what authority such an opinion rested; for he had always been taught to think, that the moment any man, however previously enslaved, touched British soil, he became entitled to freedom. Such had been the doctrine of all our constitutional writers; and such was his decided opinion." Such was the opinion of Mr. C. Wynn in 1816, and such it might be presumed was his opinion now, for he had kept away from the discussions on this bill. It might be a question whether his duty to his country and to his conscience did not demand something more than this absence. Ought he not to have opposed the bill; and here a word as to responsibility—whose was this measure? It ought to be, it must be, the measure of the whole cabinet, yet here

they had a cabinet minister and other persons in office, showing distinctly they were not in favour of the bill. What a farce then to talk of responsibility, when they knew not whom to accuse as the parent of this mis-shapen offspring. To be sure the ministers might be easy on that score, for they had only to say to parliament, accuse not us, the measure is your own. [Hear, hear!] In concluding, he (Mr. Hobhouse) would only say, that the best proof that there could be no pretext for the bill was, that the learned gentleman had found no other excuse for it, but that there were certain "phantoms flitting about," which though not so wicked as his revolutionary devil, were still nearly allied to him. A phantom there was still abroad, but not the phantom alluded to by the learned gentleman, it was the phantom which Madame de Stael described as preventing every individual from seeing what had occurred before the revolution, obscured the intellect, and led men to look to the period of the revolution as one from which the whole history of mankind was to be derived! [Hear, hear]. He moved, "That the bill be committed this day three months."

Mr. *F. Robinson* said, the hon. member contended, that the present measure was inconsistent with the liberality and hospitality of the English character; that it was brought forward under false pretences, in subservience to the views of other states, and for the purpose of aiding them in preventing the general diffusion of liberty. The main ground on which he had rested his argument, that the bill was inconsistent with the spirit of the British constitution, was the language of Magna Charta. Now, the right conferred on aliens by Magna Charta was a right accompanied with an exception and a qualification, which proved that our ancestors, who established the right, foresaw the possibility of cases occurring, in which it might be necessary to impose restrictions. It could never be justly contended, that the law of England was tyrannical and oppressive, because it did not extend to foreigners all those rights and privileges which the natives of this country enjoyed. He denied that the conferring of this power was any impeachment of those virtues of liberality, hospitality, and generosity, for which this country was distinguished. Could it be fairly imputed to any individual, who opened his doors to a party who sought refuge from oppression, that his conduct was ungenerous and illiberal, if he made it a condition of his hospitality, that that party should do nothing to embroil him with his neighbours? But it was said, that this measure was brought forward on false pretences, and that its real object was, to promote the despotic views of foreign governments. This assertion was easily made, and as easily contradicted. For his own part, he could state most conscientiously that he was influenced by no such motives: and before they could be justly charged, the hon. gentleman was bound to show that some advantage would be gained by acting on this principle. He did not see what advantage this country could gain by any attempt to check the general diffusion of liberty. What imaginable motive could this country have for entering into a combination to deprive other countries of those blessings which it was our pride to enjoy? Another argument in support of the present measure, was, the mode in which the power had been uniformly exercised. There were many foreigners residing in this country, who were objects of jealousy to the states to which they belonged; yet it was not pretended that they were molested, or that they did not live in perfect security. No man could deny that it was the policy of this country to preserve the relations of peace, as far as they could be maintained consistently with the national honour. Now, there were circumstances in the present state of the world, arising out of the French revolution, which might affect those relations. It could not be denied that the events of the last thirty years had given rise to a contest between the unlimited principle of absolute power on the one hand, and the unlimited principle of unqualified revolution on the other. He considered this a most unfortunate contest; because it contributed to the security of no state, and must tend to the injury of all. It was the danger arising out of this state of things, which called upon us to be jealous and even timid as to the residence of foreigners in this country. Upon these grounds, he supported the present measure, and not for the purpose of arresting the progress of liberty—an object which, if it were even entertained by his majesty's government, it would be impossible, in the present state of knowledge and civilization, to effect.

Mr. *John Williams* said, he objected to the bill in every point of view, but he felt that no objection to it was more striking than the very principle on which it was recommended for adoption. The right hon. secretary and the right hon. gentleman who had just sat down, both called upon the House to invest the government with a dangerous, because discretionary, power, on the presumption that it would not be absused. Setting aside mere insinuation and surmise, not a single direct allegation had been made to prove the necessity of this bill. The right hon. gentleman had said, that particular emergencies might arise out of a particular crisis, but he had not had the nerve to state that those emergencies had arisen, and surely it would be time enough to invest ministers with extraordinary powers when such a period had actually arrived. The learned gentleman opposite (Mr. Plunkett) had contended for the right of the sovereign to send foreigners out of the country by analogy, from his supposed right of restraining his subjects from quitting the country; and he had referred to the writ of *ne exeat regno*. Now he (Mr. W.) maintained, that the Crown did not possess the absolute right of restraining the subject from quitting the country; and he had the authority of lord chancellor Talbot for saying, that the writ of *ne exeat regno* had never been issued, unless a bill had previously been filed. The learned gentleman had said, that the prerogative of the Crown conferred a power, by which aliens could be sent out of the country, and that the temporary allegiance which foreigners residing in the country acquired, made them amenable to the laws, in the same manner, and nearly to the same extent, as natives. Now, if this were the case, what was the use of a legislative measure? Why invest ministers with a power which already belonged to the Crown? There might be cases in which such a power would require to be exercised; but for such cases the common prerogative of the Crown was fully adequate. If this was the case, then, the House ought to pause before it re-armed ministers with such a power. The learned gentleman had further contended, that the measure was not new. This he would grant; but it was new under circumstances like the present. In 1793, it was enacted during war, and when continued in the 46th of the late king, it was to last for only six months after the concluding of peace. Let the House compare those periods with the present. Let them say whether there now existed the alarms which had agitated the country in 1798. The war had ceased for seven years—a long period of tranquillity, as might be seen by consulting the annals of the country; and if this was not to be called a time of peace, in the name of God what would be called so? It would be recollected, that at the former period an eloquent gentleman, who ought to have so far felt the effects of age as to have had his imagination cool, and his judgment mature, had come down to the House with a dagger under his cloke, and had displayed that dagger as an emblem of the fate which awaited every man who would not vote for some such measure as the present. He trusted that there was nothing in the arguments which the learned gentleman had attempted to draw from the legal question, or from the aspect of the times. The domestic disadvantages of the bill were great; but the argument to be deduced from them was strengthened by those which immediately affected foreignors. He would put the case of the Greeks. If they should, trusting to that historical character which this country had before alien bills were in existence, come to this country to seek assistance, and even to plot against their tyrants, was there any man that could bear that they should be sent back to bare their throats to the knives of their barbarous oppressors. Let no one suppose that the bill would affect only the 25,000 friendless individuals to whom it more immediately applied. Another mischief was, the precedent which this measure furnished, of giving ministers too great a discretionary power—a power in consequence of which they might act improperly; and if they so acted in any one case, what was fact to-day, might become doctrine to-morrow. The proper course was, not to give ministers credit for what they would do, but to prevent them from doing what they by possibility might do.

Mr. *Hudson Gurney* said, he could not but think this bill had been opposed in speeches of outrageous exaggeration. He had never before given any vote on the measure, as feeling really incompetent to decide either on its necessity or its utility. But though he was by no means carried away by the extravagant declamation of the hon. and learned member for Knares-

borough on a former night, yet on the showing of the right hon. secretary who introduced it, he should now vote against the bill. He agreed with the right hon. gentleman, that it was highly desirable, in the present state of the world, that this country should offer an asylum to the persecuted of all nations and of all parties. He farther agreed with the right hon. gentleman, that it was the duty of the government to do all that in them lay, to prevent this country from being made the centre from which the tranquillity of other countries might be disturbed, with which countries we were at peace. But the right hon. gentleman had stated there were 25,000 aliens in England—that the powers given to the secretary of state had been exercised only in four instances—and he allowed, if exercised in a sweeping manner, the probable abuse would be unbearable. Now, if there were any great conspiracy going forward, it really appeared that any use of these powers so limited would be ineffectual to their object. But, in fact, the number of political emigrants in England was extremely small; and for the sake of keeping some slight check over the proceedings of these persons, nearly 25,000 others—people for the most part having affairs, and being many of them as it were domiciliated in this country—were to be placed in a situation of insecurity—or imagined insecurity; which was pretty much the same thing as to the feelings of the individual. He knew the measure was regarded by foreigners with great uneasiness; and such being the case, no countervailing advantage appearing to be secured by it, he should vote against the bill.

The question being put, "That Mr. Speaker do now leave the chair," the House divided: Ayes, 142; Noes, 66.

List of the Minority.

Abercromby, hon. J.
Althorp, viscount
Barnard, viscount
Bennet, hon. H. G.
Benyon, B.
Bernal, R.
Brougham, H.
Benett, J.
Baillie, J.
Cavendish, lord G.
Cavendish, C.
Colburne, N. R.
Davies, T. H.
Denman, T.
Duncannon, viscount
Denison, W. J.
Evans, W.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzroy, lord C.
Foley, J. H. H.
Folkestone, viscount
Forbes, C.
Graham, S.
Gurney, H.
Hamilton, lord A.
Honywood, W. P.
Hume, J.
Hutchinson, hon. C. H.
Hill, lord A.
James, W.
Jervoise, G. P.
Kennedy, T. F.
Lamb, hon. G.
Lockhart, J. J.
Maberly, John
Maberly, W. L.
Mackintosh, sir J.
Martin, J.
Maule, hon. W.
Milbank, M.
Moore, P.
Marjoribanks, S.
Newport, sir J.
Nugent, lord
Powlett, hon. W.
Prittie, hon. F. A.
Palmer, C. F.
Ramsden, J. C.
Ricardo, D.
Rowley, sir W.
Robarts, A.
Robarts, G.
Rumbold, C.
Scarlett, J.
Scott, J.
Sefton, earl of
Smith, W.
Stewart, W.
Warre, J. A.
Western, C. C.
Whitbread, S.
Williams, W.
Williams, J.
Wood, alderman
Ward, hon. J. W.

TELLERS.

Hobhouse, J. C.
Wilson, sir R.

HOUSE OF LORDS.

Tuesday, July 2.

MARRIAGE ACT AMENDMENT BILL.] On the order of the day for the third reading of this bill,

Lord *Stowell* moved, that the first clause, which establishes the principle that marriages once solemnized are indissoluble, be omitted. He contended, that civil society had a right to prescribe what was a valid marriage, and that it could never have been the intention of the right reverend prelates who had spoken on a former night on the subject to maintain that improper marriages were purified and made good by the ceremony of the church, notwithstanding all that might have preceded it. He then took a general view of the measure, and stated that the cases which had been urged as its ground-work, were not so hard as they had been represented. In most of them cohabitation had ceased for many years, and the annulling of the marriage was sought either as a relief from the debts and persecutions to which one of the parties had been subjected by the licentiousness of the other, or as a cheaper process than a divorce bill. He complained that all the good produced by the marriage act as it now stood, and the misery from which he had relieved fathers and families, were kept out of view, whilst a few cases of hardship were blazoned forth with detestation and horror. The present measure said to minors and adventurers, we put difficulties in your way, but once get to church and you may enjoy the fruits of your fraud and imposture. A bill founded on such a principle afforded a

premium to unlimited marriages, which would more than counterbalance the securities which it provided for the prevention of improper marriages.

Lord *Ellenborough*, after so many days had elapsed since the nullity clause had been rejected by the unanimous sense of the House, was not prepared for this funeral oration in its praise. It had been rejected in consequence of the opinion expressed by the right rev. prelates, that marriages once solemnized ought never to be broken, and he had not heard one word since, in favour of its revival. The learned lord spoke of the present bill as giving premiums to undue marriages; he (lord E.) on the contrary, thought that the existing act gave those premiums. It induced men who were desirous of obtaining a woman's person, to marry her, knowing that her marriage could be broken whenever they pleased. The present bill not only prevented such immorality, but deprived adventurers of the prize which they had attempted to gain; for it took away all the property from them, and sent them to pass the rest of their lives in Botany Bay. The learned lord seemed to think that marriage was ordained, not for the satisfaction of the persons married, but for that of fathers and mothers.

Lord *Holland* said, it was with much surprise he had heard the learned lord describe this bill as a repeal of the ancient law of marriage. What, the ancient law which commenced in 1754? The fact was, that the bill restored a part of the ancient law of the country. The learned lord would punish every fraudulent marriage with nullity; but that very nullity which he thought capable of preventing fraud was really the premium for committing it. In a few instances the dread of nullity might affect the guilty party; but in 99 cases out of 100 it fell on an innocent victim. Both on the ground of reason and precedent their lordships were justified in passing this bill.

The clause was agreed to.

The *Lord Chancellor* moved an amendment to the retrospective clause, providing that marriages obtained by license, when both parties knew that the putative father was living, and had not given his consent, should not be valid.

Lord *Ellenborough* thought that the question of the knowledge of both parties, independently of any other objection, could scarcely ever be proved in a court of justice.

The *Lord Chancellor* said, he would divide the House on the question, if it was only to record his opinion of the measure.

The Earl of *Liverpool* was not friendly to the retrospective clause as it stood. He wished an exception had been made, saving all suits pending. He could not, however, approve a clause such as that proposed by his learned friend which depended upon proof of a nature extremely difficult to be obtained.

Their lordships divided; Contents, 18; Not-contents, 68: Majority against the amendment, 50.

The *Lord Chancellor* then proposed a clause for rendering valid, deeds, assignments, and settlements made by persons having claims on property affected by this bill. He should first propose it without the words "upon good and valuable consideration," and if rejected in that shape, would propose it with those words.

The Earl of *Liverpool* thought this qualification necessary to the retrospective clause.

The Earl of *Westmorland* conceived that it would lead to an inextricable labyrinth, and would, in a still more odious manner than the clause which had just been rejected, legalize marriages, but deprive children declared legitimate of the property to which they were entitled, because a third person had willed or conveyed away what had never been his own.

The Marquis of *Lansdown* contended that the clause proposed by the learned lord would produce a monstrous state of things. It would declare children legitimate, but would disinherit them of their property: it would people that House with titled beggars, enjoying the honours of their ancestors, but stripped of the means of supporting those honours. If their lordships adopted this proviso, they would leave existing possession subject to endless litigation and fraud.

Lord *Ellenborough* hoped, after their lordships had agreed to the retrospective clause, that any attempt to render it nugatory by provisos like the present, would prove unavailing. The course proposed was one, which, as guardians of the public morals, their lordships could not adopt; for it would introduce a system of left-handed marriages in the true German style—marriages which gave legitimacy, but not property.

Lord *Redesdale* contended, that to de-

stroy reversionary rights retrospectively, would be downright robbery.

The House then divided: Contents, 27; Not-Contents, 51; Majority against the clause, 24. A second division took place on the same clause, but with the addition of the words, "for a good and valuable consideration," Contents, 31; Not-Contents, 48; Majority against the clause, 17.

The *Lord Chancellor* then said:—My lords, ten days ago, I believe, this House possessed the good opinion of the public, as the mediator between them and the laws of the country: if this bill pass to-night, I hope in God that this House may still have that good opinion ten days hence. But, to say the best of this measure, I consider it neither more nor less than a legal robbery; so help me God. I have but a short time to remain with you, but I trust it will be hereafter known that I used every means in my power to prevent its passing into a law.

On the question, that the bill do pass, the House divided; Contents, 41; Not-Contents, 18: Majority, 23.

PROTESTS AGAINST THE MARRIAGE ACT AMENDMENT BILL.] The following Protest was entered on the Journals, against agreeing to the first enacting clause:

"DISSENTIENT:—Because it appears to me, that the withdrawing the effect of nullity from the marriages of minors, had without the consent of parents, is likely to produce more and greater mischiefs than such as can fairly be considered as resulting from the general operation of the subsisting Marriage Act.

"STOWELL."

The following Protest was entered against passing the said bill:

"DISSENTIENT:—1st. Because the bill proposes to repeal retrospectively a law which has endured and been enacted upon nearly seventy years, governing the rights of persons and of property; and such repeal is, therefore, a dangerous precedent, destroying all confidence in rights founded on existing law, and threatening, by its consequences, the destruction of all law.

"2nd. Because the injustice and impolicy of repealing the law retrospectively, is acknowledged by the several qualifications introduced into the bill to limit the effects of such retrospective repeal; and yet clauses offered further to limit such effects, were rejected, and many inconveniences foreseen therefore remain unprovided for, and there may probably be many unforeseen, and to which human foresight cannot extend.

"3rd. Because, whatever evils may have arisen from the effects, in some instances, of the law proposed to be repealed, the evil of a retrospective repeal of a law which has so long endured is much greater, considered as a precedent, which may be used to justify the grossest injustice.

"ELDON, C. REDESDALE,
"SHAFTESBURY, COLCHESTER."

"DISSENTIENT:—1st. For the above reasons, and also because the bill is not, either with respect to marriages heretofore had without the consent of putative fathers, or heretofore had without the consent of natural and lawful fathers, founded upon misapprehension of the law creating any such general practice, as in my judgment can authorize the House to legislate, as in this bill, retrospectively with respect to such marriages.

"2nd. Because the House, having refused to insert clauses in the bill saving vested rights, and rights acquired by purchasers of estates for good or valuable considerations, from persons by the law of the land entitled to sell or settle such estates, appears to me, by this measure, to have acted contrary to the principles which have hitherto secured to the subjects of this country their property, and to have rendered the bill, if otherwise fit to pass into a law, such as no reasoning can sanction, and no precedents can justify.

"ELDON, C.
"SHAFTESBURY.
"COLCHESTER."

"For the second reason:—
"VERULAM, STOWELL.
"SIDNEY, CAMDEN."

HOUSE OF COMMONS.

Tuesday, July 2.

SMALL NOTES BILL.] On the order of the day for the second reading of this bill,

Mr. *James* observed, that by the law as it at present stood, Bank of England One pound notes would cease to be a legal tender after the 1st of May next. He wished to know whether the present bill would make such notes a legal tender beyond that period.

The *Chancellor of the Exchequer* re-

·ed, that notwithstanding this bill should ·, every man might be called upon, the 1st of May next, to pay his just ·n the current coin of the realm.

· *Folkestone* thought this a partial ·Mr. Peel's bill. Its object was ·-pound notes into circulation. · by passing it would incur aft · dangers of multiplied forgeri · refore trusted they would pause · ey gave their sanction to it.

Mr. A · ·pported the bill, on the ground t· · ncy was not abundant.

··r. *James* said, that as the people were · the option of receiving either · or sovereigns, those who were · t to demand gold in place of p · ved whatever might happen. H · the bill would sanction a ret · lasting payments in paper, and · ivide the House upon it.

M · hoped his hon. friend would · e a measure which was calcul · d great benefit to the country · w that people generally preferre · es to gold.

The · n divided: For the second re · Against it, 4.

EXCISE L · EGULATION BILL.] Mr. *Wodeh* · nced by observing, that in 1802, · es covered all the expenses to · maltsters were liable for the · Afterwards a gradual incre · h made in the price of them, · w cost 4*l.* 10*s.*; and, by the last · maltster was compelled to ta · arate license for every malthou · had, unless it happened to be · to another, which was also in hi · ; so that instead of having 4l · y for his license, he might ha · n times that sum. The effect · , which was miscalled a law, as · d been smuggled through parli · very strange manner this se · been highly grievous to the per · sted in the malt trade. As it wa · ab-solute scandal upon legislat · ·w such an act to remain on the S · , and which had obtained a place · ·ith-out sufficient consideration, he asked leave to bring in a bill "to repeal so much of the Excise licences act of the present session, as regards the carrying on of trade in more than one place."

Mr. *W. Smith* seconded the motion.

Mr. *Bright* thought the motion of the hon. member was of a very important nature, and that the country was deeply indebted to him for bringing it forward. It appeared to him to be only necessary to bring the act in question before the House to obtain the repeal of it. He particularly complained of the manner in which it had been smuggled through the House.

Mr. *Lockhart* said, that in consequence of what had occurred with regard to this bill, it was his determination to move, next session, that it be a standing order of the House, that no bill, authorizing any taxation, or the regulation of any taxation, should be read a second time without being previously printed.

The *Chancellor of the Exchequer* contended that the act in question had not been hurried through the House, and declared that nothing could be farther from his intention upon any occasion than to take parliament by surprise. He was glad that there was a clause in this act enabling the House to reconsider it this session. The object of that clause, he would frankly confess, was, to make the tax local as well as personal.

Mr. *W. Smith* insisted that the bill had been smuggled through the House, like several others introduced by the Treasury.

Mr. *Lushington* denied that the bill had been improperly hastened, and said, that at the desire of the hon. member for Bristol, the third reading had been suspended for a week, as he wished to have an opportunity to look into its provisions, and yet he allowed the bill to pass in silence. The bill went to prevent harassing suits, and the hon. member for Bristol would find, that if it were repealed, his constituents would be in a worse condition than before.

Leave was given to bring in the bill.

REPEAL OF THE HOUSE AND WINDOW TAX.] Mr. *Hobhouse* said:—In rising to propose any reduction of the taxation of the country, I am aware of the many objections which may be made to me, and of the many difficulties which naturally oppose any such proposition. I am aware that it is said, and undoubtedly with some reason, that nothing can be more vulgar, as nothing can be more easy, than to point to the diminution of the public burthens as the only measure that can make the nation happy and prosperous. The topic is, I must confess, sufficiently

trite, and the expediency of relieving ourselves from any demand comes so home to every man's business and bosom, that the common declaimer may generally be sure of finding, when on that subject, a willing audience. But if this topic has become rather threadbare out of doors, I cannot but think that the opposite mode of argument has suffered as much from repetition within the walls of parliament. The writers and speakers of former times contented themselves with assuming the propriety of each man contributing something to the necessities of the state—as he thereby sacrificed a small good for the sake of a great advantage. But it has been reserved for our times to hear it declared by the gravest authorities, that the alleged sacrifice is in itself no sacrifice—that it is on the contrary in itself an advantage—that the individual contributor is better even by the act of contribution—in short, that forced taxation like voluntary charity,

> —is twice blessed,
> It blesses him that gives and him that takes."

But the paradox has been pushed even farther than that. We have been told even from the seat of judgment, that a great national debt is a great national blessing—that what ruins individuals is useful to a state, and consequently, that the taxation which the ignorant so much deprecate, so far from being a misery and a curse, is but an additional proof of the prosperity and happiness of the people. To such lengths has this assertion been pushed, that the impatience of any portion of the community to get rid of some of the demands made upon them on the part of the government, has been ascribed to the most unaccountable stupidity—to the most lamentable ignorance of their own happy condition, in short, to that perversity and fretfulness of temper which it requires the utmost wisdom and perseverance of parliament to control. The present session of parliament was ushered in by an express declaration of Mr. chancellor of the exchequer, that to reduce taxation might even aggravate the distress, which distress, having been long denied, it was now necessary to allow did exist. Some subsequent explanation of that assertion has been given; but I am sure of the words—I am sure of the sense in which they seemed to be used, and in which I am confident they were taken by all sides of the House—his majesty's ministers have, indeed, on more than one occasion, declared, that not only the state could not afford to lose any portion of its revenue, but that the people would not be benefited by paying less to the state. I repeat, sir, that if the necessity of reducing taxes has been too much dwelt upon by one class of politicians, the contrary opinion has been carried to a much more ridiculous and unheard-of extent by their opponents; and in proof of this I need quote nothing but the retractions and confessions of his majesty's ministers themselves. Not only have those gentlemen confessed their error by argument but by fact—for after having repeatedly assured the House, that all reduction was not only impracticable but useless, after having staked not only their words, but, more sacred pledge, their places, upon this truth—tax after tax has been abandoned and the foolish impatient people have by this wise phlegmatic ministry been allowed to work out their own ruin their own way—*damnantur votis.* At the beginning of the session of 1821, the member for Cumberland (Mr. Curwen) brought forward his repeal of the horse-tax, but withdrew it to wait for the opinion of the agricultural committee. When the repeal of the malt-tax was proposed, the first resolutions having been carried, the noble marquis opposite (Londonderry) summoned all his friends and declared "that if the House should think fit to repeal the tax, he should not wish to continue a member of the government of the country.* He said it would be "a suicidal measure" to repeal the malt-tax. These were his very words, and a complaisant majority confirmed the opinion of the noble marquis. On the renewed proposition to repeal the agricultural horse-tax, the chancellor of the exchequer said "it was the opening and the beginning of a general assault upon the finances of the country; if such an assault were successful, no minister could support the financial system of the country." [June 14.] But, what was the end of these pressing declarations? Alas, as to the horse-tax, we saw, on the same evening, that the assault was successful, we saw that the king's minister was willing to give this boon to the country, and yet that the chancellor of the exchequer was not so desperate as not to make still farther attempts to sup-

* Debates, April 3.

port the financial system of the country. The malt-tax too—that was repealed—that suicidal measure caused no deaths, it caused no despair. So far from causing any threatened retreat from office, it served as a topic on which the minister put in his claim to national gratitude and to a still longer continuance in office.

In like manner when the noble marquis first proposed his plan of relief this session, he assured the House no farther relief than he had laid down, no farther reduction than he offered, were within the limits of possibility. Then, and on a subsequent debate, it was, that the noble marquis laid down those doctrines which, if without any other merit, have at least the charm of novelty to recommend them. I must be allowed to repeat some of these extraordinary state maxims. "There is," said he, "no distress in this country which cannot be cured by a due application of the principles of resurrection." Again: "The proposal to repeal taxes is worse than unavailing, it is delusive; for it goes to contradict the great causes of nature." In another place he said: "It is delusive and dangerous to say that distress arises from taxation, and not from the hands of Providence and the great principles of nature." And lastly he added: "the result of the true nature of political economy is, therefore, this; that nature is the source of relief and hope; and that it is the course of nature which affords relief in every emergency which occurs in their condition." Now, Sir, I must say, that since I read Lucretius, I never heard so much attributed to "nature," and when I heard the noble lord talk after this sort, I could not but fancy he was opening some great discovery in the political as the great poet in the physical world,

—— ——rerum primordia pandam,
Unde omnes *natura* creet res, auctet, alatque,
Quove eadem rursum *natura* perempta resolvat."

I well recollect the noble lord was once somewhat amused at finding himself in some petition compared to Oliver Cromwell. In one respect, however, the noble lord does bear no small resemblance to that great politician. I mean in his rhetoric. And recollecting the language used by the Protector in his three hours' harangues, I have never been inclined to think the noble lord's strange eloquence any sign of an inferior mind. I have always carried in mind what Mr. Hume has remarked after mentioning the conference between Oliver and the committees of parliament relative to the offer of the crown. He says: "After so singular a manner does nature distribute her talents, that in a nation abounding with sense and learning, a man who by superior merit alone had made his way to supreme power, and had even obliged the parliament to make him a tender of the crown, was yet incapable of expressing himself on this occasion but in a manner which a peasant of the most ordinary capacity would be ashamed of." Mr. Hume adds in a note, that the confusion remarked in Cromwell's language was not in the elocution: nor arose from a want of words, but a want of ideas. This I take to be true of the oratory of the noble marquis, more especially in those glorious specimens which I have just mentioned, in which "nature" is brought in to play so statesman like a part. However, the noble marquis did not quite leave nature to herself. For not two months—two little months, I cannot add "on wings of down," had passed over his head, before down he comes to this House, and lo! great conqueror of previous impossibilities, himself overcomes the difficulties he had declared to be insurmountable, and relieves the nation of 1,800,000*l.* of that burthen which he had before declared they must inevitably bear. Thus we find 1,500,000*l.* for the malt-tax, 500,000*l.* for the agricultural horse-tax, and 1,800,000*l.* of other taxes successively taken off; after taxation has been declared, if not a blessing, at least something very like it; and after the reduction of that taxation had been proclaimed fraught with ruin and degradation of every kind, and tending to the worst of all calamities—the putting out of office the noble marquis and his colleagues.

But not only by facts, but also in words, have the ministers appeared to forget this their famous and novel political axiom in favour of the blessings of taxation—For it was only the other day that I caught the noble lord making use of the expression, "that the country was groaning under the dead weight of five millions." Now I was glad that these groans had reached the ear of the noble lord at last—glad on all accounts, but particularly so, because I recognised in that confession a complete disavowal of his former sentiments; and because I beheld in that confession a sort of guarantee that we should no longer be

told that reduction of taxes would afford no relief but might aggravate distress. For if the country does "groan" under the payment of these five millions—to be sure taking off this weight would prevent any more groaning under that burthen at least. In fact, the noble lord now wished to impart some of the new found blessings of taxation to posterity: and having encouraged us so long to surfeit upon the fruit of this delightful tree, he now thinks it fair and generous to keep some of the produce for planting.

"Scrit arbores quæ alteri sæculo prosint."

I think, then, that the friends of reduced taxation have not to contend at present with quite such extravagant an opposition as formerly — the king's ministers have shown themselves converts, however unwillingly we need not enquire, we have precedents on our side drawn from their practice, and when we wish to remove present obstacles we have only to show how similar difficulties, declared at the time to be insurmountable, have now vanished, and the predicted consequences have been no where to be found. In truth, it is time that the ridiculous fallacies respecting taxation should no longer be heard in any deliberative assembly. It is time that we should recognise that truth which until late years was never disputed — that taxation is a positive evil in itself, although the sacrifice may be required; and that whatever general advantage in the shape of security or honour to the community that taxation may procure, the individual is a sufferer in proportion to the quantity of the sacrifice which he makes, to partake in that honour and security.

Nothing seems to me more absurd than the assertion so commonly made, that a tax only takes from one to give to the other; as if the transfer occasioned no misery, as if the very feeling of right to enjoy what is our own is not injured by such transfer—and as if such injury is not in itself a cause of individual misery. Hopeless, indeed, would be the condition of mankind, if such a notion were to prevail and be acted upon. Under such a supposition, there is nothing to oppose the government of a country from gradually acquiring all the wealth and means of wealth, and reducing the whole free population to become pensioners upon its bounty, or labourers for its hire. Farewell then, to your freedom. Farewell to your national glory!—The state indeed might lead her thousands of slaves to battle and perhaps to victory. She might add to her dominions—she might subdue her enemies, her throne might be incrusted with jewels, and her pageantry outrival the magnificence of eastern monarchs—but her men, the descendants of ancestors who bled for them and their rights,—her men would also degenerate into eastern slaves. Nothing appears to me more fallacious than to deduce the prosperity and happiness of a people from the extent of the revenue of the state. It is true that a great and a free nation, left to its own industry, and to the expansion of its own talents, may contribute largely and yet fairly and justly to its government; but it is no less true, that the very best proof of the poverty of the people may be the wealth of the government.—And not only of the poverty, but I may say of the misery and abject condition of the people. There are occasions indeed in which the citizens of a free state would consent to any sacrifice. To uphold the national independence no sacrifice would be to them too great, each man then would sell his coat and buy a sword. But there are also occasions on which any man who calls himself free would refuse the most trifling contribution to his government. The question is not how much we can bear, but how much we ought to bear, and there is no habit which is so sure to involve a nation in ruin and disgrace, as that of affording great facilities to taxation. This is the way to make a government careless, profligate and profuse—this is the way to qualify bold but weak and wicked men for ministers—this is the way to give rise to extravagant and unjust wars—and, finally, this is the way to arm the government of a country against ourselves, to deprive ourselves of our laws, our liberties, our rights. This is true of all nations, but more particularly so of England, which nothing but internal corruption can overcome. I know of no persuasion so fatal for a people as when a minister is convinced and boasts of their "boundless resources." And, yet, such is the conviction; at least such is the boast of the noble marquis, who, the other night, meaning to give the utmost praise to lord Sidmouth, specified as an immortal merit in his noble friend, that he had known how to raise twelve millions of new taxes in one year. Such, unfortunately, has been the way of thinking of the ministers who have for thirty years

wielded the destiny of the British empire. But the persuasion grew upon them by degrees. Will any one dare to say that when Mr. Pitt found the debt of this country amounting to 232 millions, he had the least idea of the possibility of raising the enormous sums, either in taxes or on credit, with which he burthened the people and their posterity? Certainly not; but the mine, as Mr. Justice Bailey called it, of national wealth opened upon him as he worked—unhoped for treasures presented themselves to his grasp, and he seized them, at first with a trembling, but afterwards with an eager hand. Both in 1795, and in 1797, he made the king tell his parliament, that he hoped to carry on the war without fresh or at any rate any great additional burthens upon his people: but yet in five years from the beginning of that war, he had more than doubled the debt, and had tripled the taxes. This was pretty adventurous—but the gentleman who succeeded him, what did he do? He at first said, that he intended so to contrive as that "there should be no increase whatever of the public debt during the war." He was so well convinced of these boundless resources, that in one day, did he add to the debt of the country a sum not much less than equal to half of the whole debt which had been accumulating from the reign of king William to the American war. Mr. Addington funded 92 millions in one day. But even this, incredible as it may appear, was outdone by the ministers who conducted the ensuing war. In only two years of that war did these gentlemen contrive to expend more millions of money than were owing at the beginning of the French war. In two years they disbursed of the national money no less a sum than 260 millions. Indeed, the average expence of three years of the late war was 130 millions. In 1815 it was not far from 132 millions; I find the nett produce of revenue as by finance account for year ending, January 5, 1816:—

GREAT BRITAIN.	
Taxes and loans...............	119,870,629
Charges of management	3,668,622
IRELAND.	
Taxes and loans	7,455,239
Charges of management......	1,039,731
Total	£. 131,629,111

This enormous sum per year gives a weekly expence of 2,529,404*l.* and gives to each working day, supposing 300 such days, an expense of 438,763*l.* Now this daily expense of government is not far from the whole annual revenue of England at the accesion of the House of Stuart to the throne. Let us look a little at the progress of that revenue. In 1602, the period I before alluded to, it was 500,000*l.* Eighty six years afterwards, when the Stuarts were expelled in 1688, the revenue was about 2,000,000*l.* The annual average addition during the reign of that bad family having been 17,441*l.* In 86 years after the Revolution, had the revenue increased only at the same rate as for the 86 before the Revolution, it would have been 3,500,000*l.*, but thanks to the funded system, in 1775 it was near 14,000,000*l.* More than three millions were added from that period to the French war in 1793. From that time, the revenue has been augmented in a proportion that staggers belief. I hold in my hand a table of the sums annually taken from the people in taxes in thirty years, from which it may be seen that from 1793 to 1822 inclusive, the people have paid to their government a sum of money which we can note upon paper, but which the imagination cannot grasp—which one cannot believe hardly ever had an existence in hard coin—the sum as I reckon it up, *One billion, four hundred and six millions, four hundred and thirty-six thousands, one hundred and forty eight pounds sterling.** But even this

* Years ending 5th January.

1793..................	£.17,658,418
4..................	17,170,400
5..................	17,308,811
6..................	17,858,454
7..................	18,737,760
8..................	20,654,650
9..................	30,202,915
1800..................	35,229,968
1..................	33,896,464
2..................	35,415,096
3..................	37,240,213
4..................	37,077,068
5..................	45,359,442
6..................	49,659,281
7..................	53,304,254
8..................	58,390,255
9..................	61,538,207
10..................	63,405,294
11..................	66,661,366
12..................	64,763,870
13..................	63,169,845
14..................	66,025,835
15..................	69,684,192
16..................	70,421,788
17..................	59,437,259
18..................	57,650,589
19..................	59,667,941

sum, inconceivable as is its amount, did not suffice for the extravagance of the government. No; in addition to these hundreds and tens of hundreds of millions, they borrowed and expended another sum of 587,493,158*l*. That is to say, they added that number of millions to the national debt, during the above-mentioned period of thirty years. In 1793, the funded and unfunded debt of Great Britain and Ireland, amounted to 244,064,335*l*. in 1822, to 831,557,493*l*.* The difference between these two sums gives the amount I before mentioned. If, therefore, we add the sum taken in taxes for 30 years to the sum borrowed in loans—that is, if we add 1,406,436,148*l*. to 587,493,158*l*. We shall have 1,993,929,306*l*. or within a very little of two billions of millions actually expended by the government of this country during the period I have before mentioned. I know very well that the country is not deprived of the interest of the 831 millions of debt. But I also know, that society is deprived of the principal. I know that 32 millions, about, of money—a sum greater than the rental of all the lands of the country—is drawn from the people to pay those whose capitals have been lent to the state—and I also know, that the receivers of that interest live upon the industry of others, instead of upon their own.

I have before alluded to the strange notion of those who imagine that the national debt subtracts nothing from the nation; but, in fact, causes nothing but a transfer of wealth from one to the other part of the community, in that such a manner as to prevent the whole community from being a loser by the transfer. One might have thought that such a doctrine could be hardly revived in our days. Even Mr. Hume could see the consequences of such maxims. He could deride "the loose reasonings and specious comparisons which tend to the belief that the operation of a great debt is like transferring money from the right hand to the left hand which leaves the person neither richer nor poorer than before."* He wrote what I have just repeated in 1742, when the debt was not much above fifty millions—a sum not equal to that raised annually at this time from the people.—Even Mr. Hume could foresee that which a great national debt has brought and is bringing upon us; for in another essay, On Civil Liberty—he wisely observes, "The source of degeneracy which may be remarked in free governments, consists in the practice of contracting debt and mortgaging the public revenues, by which taxes may in time become altogether intolerable, and all the property of the state be brought into the hands of the public." So said this philosopher at the early part of the last century. But did he imagine the possibility of his countrymen bearing the burthens now imposed upon them? Certainly not.—And some reasoners there are, who think, because his predictions have not hitherto been verified, that they never will be verified. They point to this vast metropolis. They point to the luxurious habits of their fellow-citizens. They remark the vast increase of that class of society which adds to the brilliancy of a great city. To be sure I know that what are denominated the higher orders have

20	58,680,251
21	59,769,680
22	60,686,676

* Unredeemed Debt.—Total amount of the Public Debt of Great Britain and Ireland, including the Austrian and Portuguese Loans, Funded and Unfunded, for the years ending as under:—

Years ending 25th March.	
1793	£.244,064,335
4	251,988,783
5	267,635,345
6	326,833,921
7	371,119,039
8	398,051,408
9	432,605,789
1800	447,620,128
Years ending 5th January.	
1801	479,046,141
2	522,228,729
3	540,668,080
4	551,868,256
5	575,319,723
6	604,535,141
7	625,130,227
8	637,738,420
9	648,624,192
10	658,860,665
11	666,665,446
12	682,805,104
13	712,357,041
14	794,326,522
15	817,633,616
16	863,031,371
17	847,206,875
18	838,767,526
19	840,738,518
20	840,313,885
21	838,607,743
22	831,557,493

* Essay on Public Credit.

been augmented in numbers, and that for one display of magnificent hospitality which occurred in the days of the American war, we have now a hundred elegant fêtes. That our streets are more crowded with carriages. That our court is more thronged—that our amusements are more frequent, and more fully attended. But if you remark how one portion of the community has been raised, I will show you how the other portion of it has been sunk. If you point to the splendid palaces, and to the parties of London, I will turn to the pauper-houses, and to the parish rates. Suppose I confess that some 500,000 individuals are now vying with those who before were far above them in condition, I must also direct your attention to the millions of our fellow countrymen who have been driven out of the very means of subsistence into the poor-house or the jail.

For a century before the French revolution war our poor-rates had risen only one million. From that period to the present day, five millions of pounds have been added to the rates. But nothing is more equivocal than that very splendour which is often taken as the certain sign of prosperity. Loans and taxes create a destruction of capital—a destruction of capital very often causes, for the time, a show of prosperity much greater than would arise from the employment merely of the interest of that capital, and from the retention of that capital for future production. I beg to quote the very apposite words of a celebrated economist of our own times, I mean Mr. Say. He writes thus:—"Those who are not accustomed to discriminate between realities and appearances, are sometimes deceived by the show, and the bustle, and the splendour of luxury. They believe there is prosperity where they behold there is ostentation. Let them not deceive themselves. A declining country alway displays for some time the image of opulence. So does the house of a spendthrift running to ruin. But this fictitious splendour is not durable; and as it drys up the sources of reproduction is inevitably followed by a state of lassitude and political decline, which admits of recovery only by degrees, and by means just the contrary to those which have brought on the decay."

I say, then, after such an unheard-of expenditure of resources after an exhaustion which it might have been thought no state could bear and live, how can any one doubt either of the cause or of the mode of cure of the national distress? I attribute to taxation the great portion of the misery with which either one or the other class of the community has for years past been always contending.

That such a wonderful operation as that of raising the mighty sums upon the people before-mentioned, should go on, and produce no effect is impossible, that it should not produce a great effect is impossible. Either good or evil it must inevitably produce, and that to a great extent. Can we hesitate, when we have a great and acknowledged distress in the country, to attribute it to that, which, without such an ascribed effect, must be said to have produced no effect at all? For no one can be wild enough to say it has produced good.

I am well aware, that an objector may say, how can you attribute this distress to high taxes; when, although high taxes naturally produce high prices, yet you have now low prices, and those low prices are the immediate cause of the distress that affects the agriculturists at least? This may be true and yet not affect the general argument. In looking at any political phenomenon, we should be cautious not to mistake the exception for the rule. I am convinced that the present low prices are to be chiefly ascribed to the cause assigned by the member for Portarlington, and the member for Chichester. I mean to an overabundant supply of the market, and that consequently when that market ceases to be so well supplied, we shall have higher prices. It seems to me inevitable, that, generally speaking, the prices of farm produce must be regulated by the laws made to prevent the competition of the foreign grower of corn. The protection granted to agriculture, kept up the prices from 1815 to 1820, to an average of 80*s*. Farming continued to be so good a trade, that additional capital was applied to that trade; waste land was brought into cultivation; and the old lands had more capital laid out upon them. The farmer had not a competitor from abroad, but he had a competitor at home; the supply now became greater than the demand; the corn producers undersold each other; the prices went down; and we began to hear of agricultural distress. But as the poor lands shall go out of cultivation and as the better lands shall have capital with-

drawn from them, supply must diminish, and prices rise; there being no foreign corn to keep down those prices. That the high prices were partly effected by the depreciation of the currency, and that the low prices were also partly effected by the return to a metallic currency, cannot, I think, be denied. But I see no efficient primary cause for either high or low prices in the nature of the currency. The fluctuations in price would have taken place in any currency, where regulating laws gave such a protection to agriculture, as to afford an artificial stimulus to the growers of farm produce. I repeat, that in spite of high taxes, even, which must have a general tendency to create high prices, the injudicious regulations made respecting this necessary of life, can, of themselves, account for the low prices now so complained of; and it appears to me, that, as an excess of supply has caused these low prices, so a gradual diminution of supply will restore prices to the amount at which importation is allowed, and perhaps something above it. I am willing to own, and, indeed, it exactly tallies with my demand for a diminished taxation, that before prices are raised to this pitch, a great deal of distress must occur; farmers must be thrown out of employ; landlords must be ruined. To relieve such distress, you have but one means within the control of parliament; namely, to diminish taxation. But, when even high prices shall return, you will then have another portion of the community suffering; namely, the consumers of the landlord's commodity. To relieve these consumers, and enable them to pay high prices, you have but one resource; to diminish taxation. I feel great diffidence in speaking on this intricate question; but the present view which I venture to take, is, that the community at large labours under taxation of two kinds; namely, that which is charged to it by makers of, and profiters by corn laws, and that which is charged to it by the collector of the revenues of the church, and the poor, and the state. As the influence of the landowner is so great in this House and in the country, as not to permit a reduction of the first kind of taxation; as the moment prices become low by the increase of supply, the landlord insists upon some regulation to raise them; so I see no other way of diminishing the public burthens, than by reducing the other sort of taxation; namely, that which is paid to the state.

I presume it will hardly be necessary to show at length how the tax payer is injured by the high price of farm produce. Shortly, then, he is injured in two ways,—1st, by the increase of the price of farm produce compelling him to give higher wages to workmen, and secondly by the profits he gets purchasing less of commodities of all kinds, since commodities of all kinds are raised in price by that rise of wages which is the inevitable consequence of the high prices of farm produce. That the tax payer would be able to purchase more of the comforts of life if the comforts of life were not taxed I need not now contend; nor need I detail the individual effects of taxation on the different classes of the community, except so far as respects the particular tax which I shall propose to repeal. I leave such a task to him, who has shown himself so well qualified for it. I trust that since his last publication my hon. friend, the member for Portarlington, can no longer be reckoned an advocate for taxation. I shall, therefore, content myself in this place with reciting the first resolution as declaratory of that which I imagine every unprejudiced man must pronounce to be the true disease under which the country labours. The words in which I would wish that declaration, are as follows: "That it appears to this House, that the present amount of taxation is so burthensome and oppressive as to make it the duty of this House to adopt every means by which, without detriment to the state, that taxation may be reduced." I am aware that there are always objections to be made to the period at which a repeal of taxes is proposed. If the proposition for such repeal is made in time of war, then, to be sure, all the common-places of energy and vigour, and of sacrifices to be made of a part in order to save the whole are certain to be employed. If, on the contrary, the attempt be made in time of peace, others, but not less taking topics are resorted to. It is true you are not at war now; but you know not how soon you may be. You should be prepared, or as the learned under colonial secretary said the other day, "si vis pacem para bellum." Now, that we have been seven years at peace, and that there seems no prospect of war, one might think this recommendation rather out of place. Whether it be or, not, I must be allowed to remark, that nothing seems to me so absurd as to keep the resources of

the country always at their full stretch. Repose is necessary for the community as well as for the individual. The man who should always hold forth his arms in the posture of self-defence would soon become too weary either to give or to ward a blow: and yet we perpetually hear of the necessity of large establishments and consequently of high taxation during peace, in order to provide for war. In case, however, this argument should be a little too hacknied or too paradoxical, the ministers of the day have now conjured up another delusion in order to deter us from remission of taxes. The phantom—(for it is only a phantom and they would dismiss it to the kingdom of shadows as readily as they have raised it, if it served their turn) — this phantom they call "public credit." Of this they make use in order to scare us from our senses, and to blind us from seeing the only relief of which the distress of the country is capable. In order to maintain this public credit they allege it to be necessary to raise a sinking fund by taxing the nation over and above the amount required for the government expenditure and the payment of the interest of the debt.

As I have no doubt but that the necessity of maintaining this sinking fund will be the main argument resorted to this day against my proposed repeal of taxes, perhaps I may be pardoned a word or two on that subject. The days of delusion respecting Mr. Pitt's sinking fund, are I think gone by. The farthing of Dr. Price has ceased to bewilder us with hopes of its magical operations. The days when we were "afraid of waking" as the right hon. member for Liverpool said, "without a debt to our ba[illegible]s," are gone by never to return. [illegible] [illegible]lieve now doubts that th[illegible] [illegible]he famous compou[illegible] [illegible], that we have added a great many millions to the capital of our debt since 1792, and about 1,500,000*l.* to the annual charge upon the public. As to the character of the old sinking fund, we want no other proof than the declarations of the present chancellor of the exchequer in 1819, when he laid on 3,200,000*l.* of new taxes, in order to have, as he said, a *real* sinking fund of 5,000,000*l.* Now, at this very time there was, according to the fictitious account in the Exchequer books, a sinking fund of sixteen millions; which fund was, by implication, therefore acknowledge to be a sham, a fraud, nothing more. No one now is wild enough to say, that there is any other sinking fund than an excess of income over expenditure. But there are still people who imagine that it is possible and likely that this excess should be allowed to accumulate at compound interest. That such never can be the case appears to me clear. The surplus must be lent somewhere, in order to accumulate. The borrowers must be individuals, or must be foreign states. If individuals they must give landed security, and in this way the government would soon possess all the land in the country. But even in this case the borrowers would be unable to repay the money lent, therefore the debt could not be so paid off. As for foreign states, what security could the government have for the repayment of such enormously accumulating sums as would be advanced to them? and what government would lend to another sums which might arm an enemy against itself? If we have a large surplus we may pay off annually a certain portion of that debt to the public creditor as has been the case in America, where, since 1815, 67 millions of dollars have been so paid off. But a sinking fund accumulating at compound interest, we never had and we never can have.

It is very natural that ministers should attempt to hedge round this fund with a sort of sacred fence. It serves their purpose well—it aids their funding system, and helps them to an excuse against remission of taxes. The machine requires management; and the management makes places. It serves to give confidence to those who will be deluded in spite of experience, and over whom the empire of names exercises a power, scarcely ever lost. I must remark, however, that the ministers neither in fact nor in word do hold this fund sacred themselves. It is in vain to deny that the late plan respecting the "dead weight" is nothing more or less than acting upon a principle directly opposite to the alleged principle of the sinking fund. This is too clear to require proof—but I have the noble lord's authority for breaking in upon this fund when requisite. The noble lord said the other evening, "He had never represented the sinking fund as a saving to be held sacred; but as a mode of placing a large sum at the disposal of parliament to be by them disposed of as might be thought most equitable, whether for the relief of a pressing exigency of the present day, or for the

security of posterity;"—which is as much as to say, we, the ministers, will infringe this sinking fund whenever we please.—Farewell, then, the sinking fund, or at least the sacredness of it! I contend that if the ministers may sometimes determine as to the exigency which requires this infringement—the people may also occasionally have and speak an opinion on that point. I think the people are now against the maintenance of any sinking fund. I am not now speaking of the old sham sinking fund, I am only speaking of the new sinking fund, which may turn out to be a sham one too, but which for the present, we will take to be a real fund arising out of a surplus of annual taxes above expenditure. The learned member for Winchelsea said most truly the other night, that to pay the interest of the debt was all that by contract we were obliged to do; and I am sure that in the present state of the country we have a right to behold that exigency which may dispose of this sum for the relief of the present time. It is no breach of contract to say we will have no sinking fund; that is, no surplus of revenue over expenditure. The debt was, a great deal of it, contracted under the notion that there was such a thing as a compound interest sinking fund; but now that has been found out to be a mere delusion, can we help, or are we bound to remedy, the mistake under which the creditors laboured at that time. It is very clear that, from the very terms on which the money was borrowed, there was little or no probability that the debt would ever be paid off. The public creditor stipulated for the payment of certain annuities, and that, if the debtor ever chose to pay off the capital he should do it by giving 100*l*. for every 60*l*. so borrowed. The bargain gave an option to the debtor whether he would ever pay off the debt at all. The annuity he must pay; but having raised that money, what earthly excuse is there for taking more money from him under pretext of providing a fund for paying off the capital of his debt? We cannot afford to raise more money than the annual expenditure and the interest of the debt require. The exigency of which the noble lord talks is arrived. We have a right to dispose of this fund; in other words, we have a right to say, this fund, this surplus, shall not be raised upon the people, and that the people shall be relieved from taxes to that amount at least. Not only does the proposed scheme for contributing five millions annually to a real sinking fund injure the people by depriving them annually of so much real wealth, but it injures the people by raising the money value of the very debt which it is intended to reduce. This has been proved beyond contradiction by a late computation of my lord Lauderdale. The application of 30,000,000*l*. sterling, (being the amount of the sinking fund of five annual millions for six years) to the repurchase of three per cent consols, will, according to the ratio of the rise in the stock created by similar means during six years, from 1786 to 1792, have the effect of raising the money value of the remaining unredeemed three per cent stock, by adding no less than 112,000,000*l*. to the money value of the remaining unredeemed consols, or in other words, at the end of six years, after 30 millions have been taken from our pockets to reduce the debt, it will, instead of 400,000,000*l*. of money cost the people 512,000,000*l*. of taxes to repurchase the unredeemed three per cent consols. In all human probability we must go to war before the whole debt is redeemed—if we do go to war we must borrow money as before by granting annuities. Now, I contend, that it would be far better that the five millions now to be annually paid to the commissioners should be locked up in ingots for future exigencies. Even so locked up and producing no interest, the effect would be more favourable than that produced by redeeming debt with it. How much more useful, then, would it be, to leave those millions in the pockets of the people, there to multiply, and to provide them with the nerves for a future struggle! We have now three sinking funds; one of sixteen millions—this every one allows to be a mere delusion—a non-existent quality;—another of five millions, a part only of which is now kept inviolate, even by the ministers; and a third of three millions, which the hon. member for Portarlington would reduce to 1,600,000*l*., and some other hon. members would reduce to nothing at all. Whether this fund be, from beginning to end, a gradation of delusions, as my friend behind me (Mr. Ricardo) called it; or whether there be a real surplus to the amount boasted of by ministers, signifies nothing for my argument, which only tends to show, that the people cannot be benefited

by the retention of any such fund, serving as it does merely as a pretext for excessive taxation. I say, therefore, that I would not appropriate these three millions to any such fund, but reduce taxes to that amount. I say to that amount, but I might say to a greater amount, for I hold that we have a right to such a reduction of taxes as will amount to the difference caused by the change of the currency. Let us take that change at the lowest—say ten per cent. Ten per cent upon sixty millions entitles us to a reduction of six millions of taxes. To which six millions we have a right to add the whole surplus of our revenue over our expenditure, estimated at the above mentioned three millions, making in the whole nine millions. I have no hesitation in saying, that I think the people have a right to demand a diminution of at least nine millions of taxes; and I esteem my demand of only two millions and a half as too moderate for the distresses which nothing but diminished taxation can relieve. With this view of the subject, I shall propose my second resolution in the following terms:—"That the benefits supposed to be derived from the establishment of the sinking fund, are illusory, and, that to impose or continue any additional burthens on the people for the purposes of its support is highly inexpedient and unwise."

I now come to say something of what taxes I would propose to reduce. If we now had a property tax, properly so called, I should propose to repeal a portion of that tax. We have, however, a species of property tax which I believe is more odious and unpopular than any other impost, and to repeal which, although at this time there have been no petitions against it, would, I am confident, be better received by the people than any other reduction of the public burthens—I mean the house and window tax. My own constituents have directed my attention to this tax, and I can safely say that the more I have examined the nature and operation of it, the more I have convinced myself that the repeal of either the whole or a part of it would be a great public benefit. It may scarcely be necessary to trouble the House with the history of this unpopular tax. That part of it called the house tax, and indeed even the window tax itself, as being a duty upon dwellings, may be derived in a right line from that impost which was esteemed one of the most odious that the people of this country had ever been called upon to endure previous to the revolution in 1688. I mean the hearth tax—which the chancellor of the exchequer told us, the other night it was part of the policy and humanity of William the 3rd to abolish in England. But the chancellor did not quote to us on that occasion, the terms in which that hearth tax was abolished and repealed in the reign of William; for he would then have shown us that the objectionable part of the imposition applied just as much to the house and window tax—in as far as it applied to the dwellings of the king's subjects.

The words of the statute, 1 W. and M. cap. 10, are, "Whereas his majesty having been informed that the revenue of hearth money was grievous to the people, was pleased to signify his pleasure, either to agree to a regulation of it, or to the taking it wholly away as should be thought most convenient to the said Commons; and whereas upon mature deliberation the said Commons do find that, the said revenue cannot be so regulated, but that it would occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort, but a badge of slavery to the whole people, exposing every man's house to be entered into and searched at pleasure by persons unknown to him; we your majesty's most dutiful and loyal subjects the Commons, being filled with a most humble and grateful sense of your majesty's unparalleled grace and favour to your people, not only by restoring their rights and liberties which have been invaded contrary to law, but in desiring to make them happy and at ease, by taking away such burthens as by law are fixed upon them, by which your majesty will erect a lasting monument of your goodness in every house in the kingdom, do most humbly beseech your majesty that the said revenue of hearth money be wholly taken away and abolished."

Nothing surely could be more in the spirit of the Revolution, and considering that by the hearth tax, such as it was established by 13 and 14 Charles 2nd, no less a sum than 264,000*l.* was annually raised for the revenue, the sacrifice was by no means inconsiderable. But this state of things was "too happy long to last;" for, as sir W. Blackstone says, "this prospect was somewhat darkened,

when, in six years afterwards, by statute 7 William, c. 18, a tax was laid on all houses (except cottages), of two shillings, now advanced to 3 shillings, and a tax also upon all windows if they exceeded nine in such house—which rates have been from time to time varied, being now extended to all windows exceeding six, and power is given to surveyors appointed by the crown to inspect the outsides of houses, and also to pass through any house two days in the year, into any court or yard, to inspect the windows therein." [Comment, book 1, c. 8.] "Darkened" indeed! But if there were any darkness in the time of sir W. Blackstone, the tax now has brought us into the gloom of midnight. Indeed, from the very first institution of it in king William's time ministers of the Crown had found it a tax so profitable and so easily levied, and so directly affecting a large portion of property in all classes of subjects that they have disregarded the original and the continuing unpopularity of this impost, and have, from time to time, augmented the duties. The tax is in the nature of a poll tax of which Mr. Hume, in his Essay on Taxes, says, "In general all poll taxes, even when not arbitrary, which they commonly are, may be esteemed dangerous, because it is so easy for the sovereign to add a little more and a little more to the sum demanded, that these taxes are apt to become altogether oppressive and intolerable."

So easy, indeed, did the levying of this impost appear to some politicians, that in 1744, sir Matthew Decker in his celebrated pamphlet called "Serious Considerations on the several high duties which the nation labours under," proposed a plan for levying the whole revenue by a single duty on houses. This was never attempted, but the duties were increased on houses and windows by successive acts of parliament during the reign of queen Anne and each of her successors. It is not worth while to notice the various acts by which the increase took place, until we come to the celebrated Commutation act. Never was a more gross fraud practised on the people than on that occasion; a committee had sat in the year 1779 to enquire into the illicit practices used in defrauding the revenue—that darling revenue, to which, as Mr. Windham once said, "every thing is to be sacrificed, the citizen to be oppressed, the constitution to be violated,"—this committee then suggested that the revenue suffered chiefly from the smuggling of tea, and that it would be convenient to find some means of forcing the consumer of tea to pay the duties which he contrived to evade, by putting duties upon some article which he could not smuggle.

It was very convenient for Mr. Pitt to flatter the East India Company in 1784, so that he consented to repeal some high duties on tea, and to substitute a low *ad valorem* duty—provided he might be permitted to augment considerably the duties on houses and windows. The argument was this—"every man who drinks tea probably has a house—he contrives to evade the duties on tea—so let us put the duties on his house which he cannot smuggle." Thus were tea and windows, mixed in one bill, though, as Mr. Fox observed at the time, "tea had no more to do with windows than with bricks or hats or horses," and though, as the same great man also observed, "the bill took off a tax on a luxury, to lay it on one of the necessaries of life, it took off a tax from the rich, to lay it on the poor." Vain were all the arguments used by Mr. Fox, Mr. Eden and many others against this proposed tax—vain was the outcry raised in the country against the measure—the Commutation act passed, and although, as far as it regarded tea, the measure was for the time good, and added to the revenue, yet the effects of the augmented duties on windows began to be visible over the whole country. A writer of memoirs at that period observes, "to the Commutation act, a numerous class of society, that struggles hard to reach a few of the comforts of life, may ascribe one privation the more. It has spread gloom, and introduced disease into many an airy and healthy country habitation. In small towns and villages where houses are constructed with ranges of windows, commanding the offices contiguous to the dwelling, its miserable effects are fully apparent in the multitude of lights stopt up." [Belsham's Mem. George 3rd.] I must be permitted to add, that the lesson afforded by this Commutation act should never be lost upon the nation.—True, the tea was relieved for a time, but not ten years had elapsed before the house and window-tax was again raised, and tea was actually charged the enormous duty of 100*l.* per cent. The facilities of this species of taxation were found so convenient, that the year after the Commutation act, Mr.

Pitt proposed the famous shop-tax. This tax created an universal clamour, and after being frequently debated in 1785 and 1786, and after petitions being presented against it, from the metropolis and almost all the great towns of the empire Mr. Pitt consented to modify the tax considerably, and afterwards to give it up. I do not think it necessary to allude to this struggle, except so far as to call to mind that in the debates on that occasion it was allowed or at least asserted without contradiction by Mr. Fox, and Mr. Windham, and many others, that the house-tax had operated as a shop tax, inasmuch as shop-keepers, and particularly the shop-keepers in the metropolis, paid by far the highest rent of any other occupiers in the kingdom. Mr. Pitt's argument was, that the consumer was made to pay the tax finally—but evidence was examined at the bar to this effect, and from that evidence as well as from arguments apparently conclusive, Mr. Fox and Mr. Windham particularly defied Mr. Pitt to show that the consumer paid it—and they asserted that it was to all intents and purposes a personal tax, operating like the house tax with the greatest inequality. This inequality applies indeed most particularly to the house tax as I shall take upon me to remark presently. In fact few of the objections made to this shop tax will not apply to the house and window tax, for it is particularly the shop-keeper that is affected, and the retail shop-keeper most, by these duties. This fact was very properly stated by Mr. Alderman Combe and others, when they opposed the augmented window tax, in 1802. The shop tax now exists no more, except so far as it is merged in the augmented window and house tax, and yet, if the one be unjust and impolitic so are the others.

But, though partially defeated in the shop tax, Mr. Pitt ventured upon the great augmentation of the house and window duties which took place in 1797 and 1798. I mean the triple assessment bill. There must be many gentlemen present, who recollect the debates on that occasion, and those who do, will remember that all the arguments used by the ministers of the day, and their supporters, were deduced from the necessity, from the absolute emergency of the case. Mr. Pitt said, "that the shop-keeper had better loose some, than all his commerce—that he had better resign some of his property than give up all law and all property, to a haughty and elated foe." A great life and fortune gentleman of the day—I mean Mr. Yorke—said, "that France must be resisted, and that he would spend his last shilling, and lose the last drop of his blood." Had the worthy teller of the exchequer said, he would spend our last shilling, and lose the last drop of our blood, he would have been more candid, but such were the topics of the day; and I mention them to show that these highly augmented duties were considered much as war taxes, and justified only by the occasion, and to be dropped when the occasion was gone by. Such was the terror of the French and the effect of this sort of talk, that Mr. Fox made in vain one of those glorious speeches which will perpetuate his name and give a lustre to his character that no time shall efface. But I doubt whether even Mr. Fox himself, with all his sagacity, with all his foresight, could then imagine that these taxes were more than a temporary expedient, or would be fixed apparently for ever upon his overburthened country. Some of the friends of ministry did, indeed, push their paradoxes so far as to defend the tax, upon the principle of a house being a luxury; to this Mr. Fox replied, "you call this in another point of view a luxury; is a house a luxury? In case of a multitude of my constituents it neither is nor can be so considered." I should here mention that as houses had been attacked in 1784 under the pretext of sparing tea, so this species of property was assailed again in 1797, and under the pretext of doing something for clocks and watches. The consequences of the triple assessed bill were seen as those of the Commutation act had been—owners both in town and country began to disfigure their houses, and block up their windows, and in some instances houses were advertised to be let rent free, and yet Mr. Pitt made several exceptions and modifications in 1797, which diminished the hardship of the tax, but which were not admitted in subsequent acts. Notwithstanding the notoriety of the tax being a war tax—notwithstanding its great and increasing impropriety—an additional duty was laid on houses and windows in 1802, and this too was done by way of commutation for the Income tax. So that it appears this devoted property was always to be assailed in order to spare some other tax. But the change was not proposed at the same time with the repeal of the Income tax,

for members in this House said, "that had they known of the intended duties, they would have preferred the continuance of the Income tax, to an impost which bore so heavily, and so unequally, upon the lower, and retail shop-keeper." As if, however, the subjects of this country did not already pay enough for the light of day, the duties were again increased and regulated in 1804, and also in 1808. What the increase has been in the amount of the duties on houses and windows, will be seen by the parliamentary returns which I moved for some time ago, and from which it appears—That the amount of the House tax in Great Britain, in 1792, was 170,115*l.* The amount of the Window tax in Great Britain, in 1792, was 959,593*l.* Whereas, the amount of the House tax in Great Britain, in 1820 equals 1,253,062*l.* The amount of the Window tax in Great Britain equals 2,565,207*l.* Those who look at the different acts of parliament will observe how enormously the amount of taxes has increased since 1797. For instance, in 1797, the duties on houses were at 6*d.* 9*d.* and 1*s.* in the pound, according to the rent. Now, those three rates are increased to 1*s.* 6*d.* 2*s.* 3*d.* and 2*s.* 10*d.* in the pound. But the increase on houses and windows, too, has been enormous. Gentlemen know that the House tax is levied upon the rental, and the Window tax according to a scale or schedule given in the act of parliament. I hold in my hand a table which will show how this tax operates, as well as how it has been augmented.

	Rent.	Windows.	Duties 1797		Duties 1820.			Addition per cent.
Houses of	£50	25	9	0	£22	10	2	150
	50	30	10	0	26	14	2	167
	50	35	11	0	30	18	2	180
	50	40	12	0	35	19	2	200
	100	25	11	10	29	11	10	157
	100	30	12	10	33	15	10	179
	100	35	13	10	37	19	10	181
	100	40	14	10	43	10	10	196

I shall remark, by-and-by, on the inequality of these duties, at present I would show from the table that they have been raised during the war, in the proportion of from 150 to 200 per cent. I ought before to have mentioned, that the Window tax has been raised imperceptibly by one of those tricks which are supposed to do so much honour to finances, because the people are robbed unawares, a per-centage has been added to the tax, from time to time, and those per-centages have been afterwards consolidated into a new tax. Thus, by degrees, was this species of property taxed to an amount which few persons are acquainted with; for I find that in 1815, the rental of houses liable to be assessed to these two duties was equal to 8,574,693*l.* and that the duties amounted to 3,740,648*l.* In other words, that the owners of this property paid 36 per cent on this one tax alone.—I am not aware that any change has taken place since that period. If it has, the change is in diminution of rental, but not in proportional diminution of tax—for the window-tax is not affected by rental—so that the rate must be now higher than 36 per cent. The house duty is a remnant of the property-tax; for the tenant was not charged with that duty on his house; but when both landlord and tenant were relieved from the property-tax, the house duty received no modification; which ought to have been the case if all classes were meant to be relieved at once from this direct impost. I call this a direct impost, and I might have called it, as I before said, a poll-tax. It does not, indeed, affect every individual; but it affects, generally speaking, all heads of families, of the most valuable part of the community. It is a direct tax from which no one can altogether escape, without in some degree changing his condition in life. When first imposed in the triple assessment, and at the Commutation act, it had the effect of driving many of the community from their homes—the homes of their ancestors, and thus loosening one of the dearest ties which binds the citizen to the state. Nor does it cease to operate in that way even now; for, at any extraordinary pressure upon certain classes of the community, the means of subsistence become smaller for other classes, and as the demand for the direct tax continues the same, individuals are unable to resist any longer, and thus they sink in the scale of life—they leave the dwelling where themselves and their fathers perhaps were born, and which is dear to them by every local attachment and even local advantage. And what, perhaps, is the consequence of their removal? Not always a mere sinking in one or two degrees, but absolute ruin. In the case of tradesmen this is very natural; for their customers are found amongst their own neighbours, and their trade follows them with great difficulty to a new spot. In the case of householders, not tradesmen and not letters of lodgings, and who consequently have no consumer to depend upon, the

tax, falls without any alleviation, and they necessarily must be driven, and are driven, from their homes. This has served to depopulate the country and drive the inhabitants of it to the towns, an effect which, however, it may be regarded by the financier, cannot fail to be prejudicial to the morals and to the happiness and the character of the people. The owners of houses built before the great augmentation of the taxes commenced, many of them pay to the assessment a duty equal to half the amount of the annual rent—the expense of making alterations prevents the number of windows being lessened, and perhaps the honest pride of the possessor induces him not to block up his windows. The commissioners in such cases, however wishing it, have no power of diminishing assessments; after a struggle, the householder finds no resource but in an abandonment of his dwelling. Those who have travelled much in England, and left the high roads, must have seen innumerable instances of this relinquishment of ancient and respectable houses, every one of which must indicate the decay of some ancient and respectable family. There can be no doubt but that the tax operates as I have described both in the country and the town—the country householder is driven to the town, the town householder is driven to a smaller dwelling. It is true, that, in the latter case, there is almost always a successor to the abandoned dwelling. This is consolatory for the taxing minister, but it does not diminish the human misery which is the necessary consequence of such a change of condition. Nothing can so grievously—nothing so perpetually—affect the mind as a change of habitation, especially when from a more spacious to a more confined dwelling; and if we were to wish to paint in a few words the worst effects of tyrannical taxation, one would wish for no other description than this which is literally true of this tax,—that it drives our people from their houses and homes. I need not enlarge in this place on the necessary consequences, on the spirit and habits of a people, of direct taxation; and particularly of a tax so levied and directed. It is true that the tax has many charms for the chancellor of the exchequer; it is easily levied, and amounts to a large sum. Of the pressure of the tax on this species of property gentlemen must have a conception when they heard the calculation, that it amounted to nearly 36 per cent on the rental. It may be said that the chief hardship falls on the occupier, not on the landlord or beneficial lessee; but this does not appear, for the occupier gives less to the owner in proportion as he has more taxes to pay. When a person hires a house, he looks to the number of windows, and of course is induced to give the landlord less in proportion as there is more light—the average duty on each window being about fifteen shillings. Thus, it appears, that the more a house builder lays out, the less he receives. To obviate this hardship he has recourse to a contrivance, which is in itself another of the evils of the window tax. Architects are directed to provide against the revenue officer—a single large window, disproportioned and unsightly, is made to serve for two—light is excluded from stair-cases and cellars. The exclusion of light, besides excluding the air, and thus being prejudicial to the health of the inhabitants, causes the damp and dry-rot in buildings, and thus destroys the property which it has first disfigured and diminished. I would mention here a striking instance of the destruction of property by this tax. An elegant mansion-house at Tenbury, in Worcestershire, was let for only 35*l.* per annum, because having 60 windows the tax made the renter liable to great demands. The tax was increased—the house was untenanted—windows were stopped up—but still no one took the house. The house having been robbed, a person was put into it—the window-tax was charged at once—the owner had no other resource than to pull the house down. This he did, and sold the materials for 800*l.*, although those materials had but a little before been valued at 2,500*l.* The cruelty, as well as improvidence of a tax so operating, need not be commented upon.

What I have just mentioned, applies more particularly to the window tax, which I confess to be by far the most objectionable of the two. And this is particularly true, when we come to consider the inequality and partiality of these duties. Mr. Pitt, in moving the triple assessed taxes, in 1797, said, "It so happened that these taxes pressed much harder upon people of the same class in the metropolis, and large towns, than in the country, and he had been recently informed, that on account of local situation—a residence in a street, and certain peculiarities of trade—there was a grievous in-

equality." He therefore, proposed a modification should apply to the general amount of the house tax and the window tax, and a farther abatement of the duty, "in certain cases, to those housekeepers who keep shops." This modification, and this abatement, have, however, as usual, disappeared, as the chancellor of the exchequer wanted increased revenues, and the full grievance of inequality is now felt by the payers of these duties.—The house tax being paid on rental, of course affects the houses in towns and in the metropolis, where rent is higher, than those in other situations. Add to this, the tax falls unequally on different trades; many persons carry on trades in large buildings, with less profits than those who carry them on in small country houses—yet, the former contributes a larger proportion to these duties than the latter; there are particular trades that require glass in quantities, for the exposure of the goods—on these, the window tax acts with an unjust pressure;—a window is by this tax always considered the same object of revenue, let it be where it will—thus, twenty windows in Tothill Street, pay as much as twenty windows in Lombard Street—the one inhabited by small tradesmen, the other by those who transact the great banking concerns of Europe—the one house rented at 10*l.*, the other at 100*l.*—one set of inhabitants having 50*l.* per annum, the other 2,000*l.*; so that the one would pay one 17th of their income, the other a 700th part. This was urged in the debate in 1784. It is true now. It frequently occurs that if two houses next to each other, the one of much less dimensions, and at less rent and cost in the building than the other, shall, from having more windows in it, pay a greater proportion of taxes than the larger house. Those, who with difficulty make a poor subsistence in a low rented house in an obscure court, pay as much for windows, as gentlemen living in a square. What is the natural consequence? The wretched artisan lets lodgings in order to pay his taxes, and squeezes himself and family into some dark and dirty chamber at the back of his house—thus, disease and premature death are another of the blessings attendant upon these taxes.

But, if the window duty operates to diminish the comforts of life, it of course operates to prevent the increase of those comforts. For example—a tenant occupies a house of six rooms, with one window in each, he wishes to build a wash-house, or contiguous chamber, which would cost 10*l.*, but he now pays only 8*s.* window tax, and if he built the proposed chamber, he would pay 20*s.* Thus, it appears, that it would take more money to purchase the window tax on this building, than to purchase the fee simple on the building itself, and the tenant refuses himself this permanent comfort, from fear of the tax-gatherer. It may thus be seen, how unequally the tax presses on the lower classes, to whom the difference of a few shillings in expenditure, is a consideration not to be overlooked. With what dreadful inequality this tax on windows presses on the lower portion of the community, will be also seen, by referring to the table I before recited. Referring again to that table, I see that the four first houses on the list, pay from 9*s.* to 14*s.* and 4*d.* in the pound, duties, or on the average 58 per cent; and the other four houses pay from 6*s.* and 7*d.*, to 8*s.* and 10*d.* in the pound, duties, or on the average thirty-six per cent. What is the inference? Why, that the higher the rents are, the less in proportion is the duty; and that the lower order of housekeepers, by the present scale of duties, are burthened more than those in better circumstances. The small retail shop-keeper, is, I repeat, unjustly affected by those duties. It is the fashion to say, that after all, it is the consumer of commodities that pays the tax of the seller; but, these sellers are themselves consumers of the commodities of other dealers, and suffer by the taxation of those dealers. Besides, what Mr. Fox observed of the shop tax in 1785, applied to the house tax:—"It would be impracticable," he observed, "for the retail shop-keeper to distribute this tax upon the articles of consumption—because, twenty, or even thirty per cent would be better afforded to be given away, as it were, by the large shopkeeper, whose returns were quick, and to a large amount, than the petty shopkeeper could afford to pay the small tax; and if the petty shop-keeper attempted to distribute the tax on several articles, inevitable ruin must ensue, because, undoubtedly, the public would not buy at the petty shop where the articles were all sold at an advanced price, but at the capital shop where they were sold cheaper."

But, supposing the consumer does pay, I repeat, that on any emergency or distress affecting the richest class of consumers, the burthen remains and the relief is withdrawn. Such is the case at this moment—I speak of the metropolis, and particularly Westminster — the tradesmen find their customers diminish daily—there is no return of which they are certain, but that of the tax-gatherer—the number of distresses for king's taxes and poors' rates, in some parishes, particularly those inhabited by the poorer people, is enormous. The distress that affects the agriculturist has already reached them; the tradesmen are turning off some of their workmen, and necessarily diminishing the wages of those that remain. The decreased price of provisions does not afford adequate relief, certainly not in the metropolis—for the sellers of these provisions are themselves the sufferers, and the discarded artisans have no means of subsistence. I know tradesmen, particularly those who deal in luxuries, such as harness and saddle-makers, who have reduced their establishments two-thirds in 18 months. The shop-keepers of this great town, who depend so much on the gentry, as long as the taxes continue as they are now, cannot afford to diminish the price of their articles, in proportion to the diminished price of provisions. The consequence is a diminished demand for every article of consumption, and then follows distress.

The House will see that the mechanic, as well as his fellow countryman, may withdraw himself from the operation of the Excise laws to some degree; but that these duties are a personal tax, which, whether as householder or lodger, he must inevitably feel. Some doubt has been entertained as to the extent to which the remission of other taxes has been of advantage to the people; but here no doubt can arise. The oppression, indeed, was so great in Ireland where the window-tax was literally a pestilence, that the ministers have thought fit to yield to the incessant clamour for its repeal. That to repeal these duties here would be a great and immediate relief to almost every householder, as well as house owner in the kingdom, there cannot be the smallest doubt; nor does it by any means follow, that the revenue would lose the whole amount of the duties; for the people, relieved from the direct tax, might spend part of thei· savings in the little luxuries of life, and thus increase the revenue on exciseable commodities.

I am aware, that the duties raised on houses and windows are very considerable; and being also aware that the latter are by far the most unequal and objectionable of the two, I feel inclined on the present occasion to move only for the repeal of the window-tax. That repeal will diminish the public revenue by more than two millions and a half. The hon. gentleman opposite will ask me how I would supply that deficiency. My answer is short—not at all. If you have, as you say you have, an excess of income above expenditure, amounting to 5,000,000*l.* take that excess. I say, the country cannot afford to pay such a surplus. I have before told to what amount I think we have a right to diminished taxation. If you have no surplus, then I say reduce your expenditure. That there are means of so doing no one can doubt; but the particular mode need not be shown by me or by any one who proposes such a reduction—that *onus* lies upon you. You have no right to your large establishments—it is ridiculous to call them necessary; they cannot be necessary if the people cannot afford to pay for them. You say to the people, as the Athenian general did when he came to collect the tribute from the island of Andros—"you bring with you two gods, Force and Necessity, and we have two other gods to resist them, Want and Impossibility." You have been so long accustomed to levy enormous sums on the people that you attribute their complaints to caprice or discontent, or, at farthest, to temporary difficulties, and, having resisted them so long, you think you may resist them for ever. But it will not be so; the distresses of the people begin to assume a shape such as they have never yet taken. I would call upon you to recollect that saying of the wise monarch of the East, which lord Bacon has quoted—"Want cometh first as a wayfaring man, and next as an armed man." Ministers cannot believe that what they have done for the remission of taxes has at all satisfied the people. They cannot believe that the people will be at all satisfied as long as there is a penny left of that real or pretended surplus of revenue arising from the monstrous imposition of three millions of new taxes in the fourth year of peace. To take off the tax, whose repeal I propose, will show the ministers in earnest, and the relief will, I repeat, be

universally and instantly felt. If I wanted authority on this subject I might quote one which the hon. gentleman opposite might think worth listening to. On the debate in this House, in April 3, 1821, a member said, that "if he thought it practicable to reduce 2,000,000*l.* of taxes, which he did not, and the House had expressed its opinion to be in concurrence with his own, on a motion recently made by the honourable member for Abingdon, he should propose the repeal of the window-tax in preference to that of the malt-tax." This member was the noble marquis opposite (lord Londonderry). I know the noble lord will think it hard, that having repealed a tax which he was disinclined to give up, he should be called upon also to repeal a tax which he would have preferred abandoning, had he not been forced to take another line. But I have endeavoured to show, that the circumstances of the country require imperiously a greater remission of taxes. I have endeavoured to show that we have a fund, or at least that, according to ministers, we have a fund which renders such remission perfectly safe; and I only quote the noble lord's words to justify my selection of the particular tax I would wish to repeal. I shall, Sir, therefore, conclude, by moving the following Resolutions:—

1. "That it appears to this House, that the present amount of taxation is so burthensome and oppressive as to make it the duty of this House to adopt every means by which, without detriment to the state, that taxation may be reduced:

2. "That the benefits supposed to be derived from the establishment of the sinking fund are illusory, and that to impose or continue any additional burthens on the people for the purposes of its support, is highly inexpedient and unwise:

3. "That the tax levied on windows in Great Britain is unjust, unequal in its operation, and most oppressive to those especially who are least able to bear it; and that it appears to this House, that the said tax should be forthwith and immediately repealed."

The *Chancellor of the Exchequer* said, that the proposition went to the destruction of the sinking fund, and the annihilation of public credit. If any thing could make it more inexpedient, or more to be rejected by that House, it was, that it would be a most unjust departure from all those pledges which the House had so recently and so solemnly given to the public. Upon the question of the sinking fund the House had repeatedly and deliberately decided; and as the first resolution was merely a truism, he should meet it by the previous question. To the other two he should oppose a most decided negative. With regard to the practical part of them he would admit, that the repeal of the window tax would relieve the public, perhaps, more than the removal of any other part of the public burthens. It was one of the heaviest of those remaining, and had been greatly augmented within the last 30 years. It had recently been repealed in Ireland, where the property tax, being unknown, the repeal of it was unattended with any sensible benefit. She had never been much subject to the weight of direct taxation. The effect of the Union had been, to increase non-residence; and this was particularly felt in Dublin, where houses of a superior class were let, in consequence, to tenants of an inferior order. The impoverished inhabitants, to avoid the tax, had resorted to the expedient of stopping up the windows, and had thereby rendered the houses dark and unhealthy. But in Great Britain no such effects had been produced by the window tax, and the consequences of taxation generally had not been to lessen the enjoyments of the inhabitants, or to diminish the consumption of the country. By the Excise returns, it appeared that the consumption had increased in all but three districts, which were particularly affected by the hop duty. He contended that no farther considerable reduction of taxation ought to be looked for, and that the House had shown every reasonable disposition to relieve the public burthens. In the present session 3½ millions of taxes had been repealed; and since the war, not less than 17 millions. The wonder was, not that so little, but that so much had been done. It was very easy to say, that the establishments should be further reduced, but it was also necessary to point out how the expense of them could be diminished. What might be done in future sessions he could not anticipate; but in the present, it seemed to him that the House had gone far enough. To the hon. gentleman's allegation of want in the country, he would oppose the undeniable fact that, except in the peculiar case of agriculture, there was no general want in the kingdom; and to his allegation of the impossibility of paying taxes, he likewise

opposed the undeniable fact, that the taxes were paid without difficulty. The house and the window tax might be said to balance each other; the latter pressed most heavily in the country, and the former most lightly; while in London and in large towns the reverse was the case. No country in Europe had profited so much as Great Britain by the return of peace; for in no other country of Europe had so large a remission of taxation been made. He did not know that the window tax in some succeeding session might not fairly come under the view of parliament; but at present he must oppose the proposition of the hon. gentleman.

Mr. *Maberly* denied that the opponents of ministers were constantly making attacks upon the public credit. He repelled that charge most distinctly. He and his friends were anxious to reduce taxation, but it had never been hinted, that it was to be reduced at the expense of any particular class. He said, that public credit ought to be maintained, and that if the public purse contained 60 millions annually, the public creditor was to be allowed first to put his hand into it and to take out 30 millions. What the opponents of ministers complained of was, that the other 30 millions were not properly expended. The right hon. gentleman contended that the people did not complain. How could they complain? Or if they did, of what use would it be, when that very complaint would be the signal for sending in executions for unpaid taxes? They paid only because they could not help it, and because the House turned a deaf ear to their petitions. As the public creditor would have been obliged to bear all losses, so he was entitled to enjoy all advantages; and it was not the opposition, but the ministry, who endangered public credit, by dragging from the people more than they could afford to pay. With respect to the great reductions since the peace, he must observe that the capital of the country was better able to bear 17,000,000*l.* additional taxes during the war, than the present burthens during peace. The capital had been greatly reduced, and, taking the empire through, he did not believe that the occupiers of the soil were at that moment making any rent: they were paying it out of their capital. He insisted that even what was called the dead weight, might be diminished. But suppose it to amount to 4½ millions, there were still 17½ millions on which reductions might be made; and if a committee were appointed industriously and impartially to inquire, great savings might be effected. In 1792, the whole expense of the army, navy, ordnance, &c. was under 8 millions: allowing 4½ millions for dead weight, it would be raised to 12½ millions; and why was more to be spent at the present moment, when the price of commodities was nearly the same as in 1792? This was the real, the only way to support public credit. The right hon. gentleman had talked about a sinking fund and its effects upon public credit, but there had never been more than a sinking fund of 4,500,000*l.* since 1792. It was against such a delusion as this, that the opponents of ministers protested; not against a real efficient sinking fund competent to the end in view.

Mr. *Wynn* expressed his surprise at the position so broadly laid down by the hon. gentleman, that not a farmer in the country could pay his rent. If this were so, how happened it that when farms were to be let, there was still great competition for them, and that there was never any difficulty in finding tenants? The pressure upon agriculture was heavy, but not to the extent stated. For his own part, he had always been anxious that the establishments should be diminished, and brought as nearly as possible to the standard of 1792. The army at present was greatly below what in 1817 it had been thought possible to reduce it, with a due regard to the security of the country. The hon. gentleman asked, why were not the current expenses reduced? Did he recollect that the pay of the army had been very properly augmented since 1792; and did he wish that the public security should be hazarded, by now attempting an unjust reduction of it? True it was that the price of provisions had fallen, but it would be a considerable time before the price of other articles, and particularly the price of labour, would accommodate themselves to the price of provisions.

Mr. *Robertson* contended, that it was impossible the country could go on under the present system, by which posterity was to be burthened for the sake of relieving ourselves. This system began with the American war, and if continued the nation must be ruined. Was it not better to meet the difficulty boldly and manfully, and not to shuffle it off upon our successors? He looked with much ap-

prehension to the consequences of some of the measures which had been adopted, and was of opinion that it was not by a farther reduction of taxation that the difficulties of the country could be overcome. He should therefore vote against the motion.

Mr. *Hume* did not take the gloomy view of our situation which had been taken of it by the hon. gentleman who had just sat down. He believed the resources of the country were sufficient to make it rise superior to all its difficulties. Let those resources be properly managed, and this might become the happiest country in the civilized world. But with this statement he must couple the declaration, that our affairs were not so administered as to lead to such a result. The system acted upon for the last thirty years, had brought the country to its present situation. He complained of the manner in which its finances were managed. The confusion which prevailed with respect to them, was strikingly exemplified on the preceding night, when three or four gentlemen, who spoke on the budget, had all taken different views of that which ought to have been so plain that no men who had learned the common rules of arithmetic, should be able to differ about it. He, however, congratulated the House that next year the chancellor of the exchequer proposed to put an end to the sham sinking fund. He and his friends had been contending, that the right hon. gentleman's sinking fund was not a real sinking fund; and the right hon. gentleman himself admitted, this year, that a real sinking fund could only be formed from a surplus over the expenditure.' Where was this surplus?—and what had the right hon. gentleman been doing but lending himself to as complete a humbug as ever was practised on any set of men. He agreed with the chancellor of the exchequer, that the Excise duties were generally of a voluntary description. The increase in the Excise, coupled with the fact that individuals might, if they pleased, refuse to contribute to the Excise taxes, formed a strong proof that the country in general did not feel that depreciation which affected some branches of its industry. He was anxious that the chancellor of the exchequer should leave the voluntary taxes, and repeal those that were involuntary. The House and Window tax was one of an involuntary nature; every one must subscribe to it more or less: and he believed the operation of that tax drove away to foreign countries many of their countrymen whose fortunes were small. If the assessed taxes were removed, those individuals could live as cheaply in Great Britain as they now did on the continent. A very large sum was paid for house duty or window-tax, and persons must either bear the burthen or deny themselves the comfort of free ventilation. The statements from Ireland showed what ill effects the window-tax had produced there. He was glad it was repealed, and if its abolition would be beneficial to Ireland, how, he asked, could it be hurtful to England? As the English gentlemen had voted for the repeal of the Irish window-tax, the Irish members would not act generously if they did not support the removal of the tax from this country. Both the house and window-tax ought to be repealed. The following was a statement of the produce of the window and house tax, in the years 1792, 1798, 1813, and 1820:—

		Window-tax. £.	s.	d.		*House-tax.* £.	s.	d.
1792.	England	927,630	12	11	..	163,412	18	2
	Scotland	31,963	1	0	..	6,702	19	9
1798.	Eng.	1,416,891	17	4	..	210,816	0	0
	Scot.	61,757	4	6	..	9,548	0	0
1813.	Eng.	2,325,455	0	0	..	1,037,634	0	0
	Scot.	154,550	0	0	..	66,494	0	0
1820.	Eng.	2,417,683	0	0	..	1,166,343	0	0
	Scot.	147,525	0	0	..	86,720	0	0

Now he was perfectly convinced, that if this source of revenue was given up, an equal amount could be obtained through other channels, and it would be paid the more cheerfully, when the additional happiness and comfort created by the repeal of these taxes were considered. He was afraid, however, that the chancellor of the exchequer never thought of any thing but the sum that he could squeeze out of the pockets of the people. A pretty good proof of this might be seen from the amount of revenue collected in the following years:—In 1817 it was 57,650,589*l.* in 1818, 59,667,941*l*; in 1819 58,680,252*l.*; in 1820, 59,769,680*l.*; in 1821, 60,686,075*l.* If they added to the latter sum 10 per cent as the increased value of the currency, and three millions of new taxes imposed in 1819, it would be found that the country was now paying 15,000,000*l.* more of taxes than in 1817. Economy could alone remedy this state of things. Ministers not content with what they had done, ought to reduce the

expenditure to the lowest practicable point. The agricultural interest was not the only suffering body in the state. The West Indian interest, the shipping interest, all the different interests in the country, except perhaps the manufacturing interest, were affected by the pressure of the times. He was reminded of the funded interest, which, he believed, was gaining. But he was sure when the time came, they would be as ready as any other body to use their utmost efforts for the relief of the country. He wished, by a great exertion, by a general contribution, the country could clear itself from the burthen of the debt. Before that was done, however, he wished to see an effectual check over ministers in that House, with respect to the expenditure of the public money. If a proper reform were effected in parliament, he was convinced the first step would be, to provide for the debt. England would then stand in an enviable situation, because her wealth and resources, which were greater than those of any other country, would be applied to useful national purposes.

Mr. *Monck* was of opinion, that the sinking fund was injurious to the public, and not beneficial to the national creditor. Nine out of ten placed their money in the funds as a matter of mere investment; and all they wanted was, to have their interest secured. Instead of laying on fresh taxes to support a sinking fund, he would say, reduce taxation as a boon to the fundholder, whose comforts and enjoyments must be increased in proportion as he found his income increase in value. The security of the public creditor did not depend on the sums paid into the Exchequer, but on the ease and facility with which those sums were raised and collected. If the collection of the revenue created discontent and disquiet in society, then he would say, that the situation of the fundholder was one of very great uncertainty. He should support the motion, although he could not agree that the repeal of the house and window tax would be so beneficial to the agricultural and manufacturing interest as the removal of some other taxes. He should, for instance, like the duty of 10*s.* per barrel on strong beer to be repealed, which amounted to nearly 3,000,000*l.* annually, and bore most particularly on the labouring classes of society. The great, who brewed their own beer, paid no such tax. It fell exclusively on the hard-working classes.

Mr. *Dennis Browne* agreed, that the taking off the house and window tax would increase the revenue by inducing the return of absentees; but he must object to it at the present time, because the reduction of such an amount of income would go to shake the public credit.

Mr. *Calcraft* thanked his hon. friend for having brought forward this motion in so very able a manner. It was, he was aware, a reduction of 2,700,000*l.*, and would sensibly interfere with the sinking fund; but he was satisfied that the only means of relieving the distresses of the country was by a repeal of taxation. He was ready to maintain that this sum might at this moment be remitted, without any apprehension of shaking public credit. To maintain public credit, in the strongest sense of the word, was not only just but wise. Feeling this, he would contend that the reduction of taxes was the best means of improving the foundation of public credit. The same objections that were now made, had been often repeated against the repeal of the duty on salt, malt, Irish hearths, and Irish windows. If his hon. friend persevered in the sensible and moderate course, which he had taken that night, he might be assured that the whole, or a part of this odious and oppressive tax, would be repealed. From the year 1815 nothing had come spontaneously—all had been wrung from ministers. In the army and navy little could be reduced; but in the civil and colonial departments much could yet be saved.

Mr. *Maxwell* said, that in his opinion, ministers had brought themselves and the country into great difficulty by a return to what they conceived to be a sound currency. The only way of inducing absentees to return to this country, was to take off the taxes which rendered it impossible for them to reside here. He was satisfied that the *eau medicinale* brought forward by the government in the shape of Peel's bill, had created the existing distress by throwing the burthen on the producer.

After a short reply from Mr. Hobhouse, the previous question was put on the first and second resolutions, and negatived. On the third resolution the House divided: Ayes, 59; Noes, 146.

IRISH INSURRECTION ACT.] Mr.

Goulburn moved for leave to bring in his bill for the continuance of the Irish Insurrection act. At so late an hour in the evening, it would be impossible to give the measure that consideration which its importance demanded. He proposed, therefore, to postpone the discussion to a future stage of the bill.

Sir *R. Wilson* protested in the most unqualified terms against the measure, and trusted that an early day would be fixed for its discussion.

Lord *Folkestone* said, the House would bear in mind, that when, at the opening of the session, this measure was introduced, the reason alleged for its introduction was, that Ireland was in a state of insurrection, and even of actual rebellion. Now, he would take the liberty of stating, that the suspension of the Habeas Corpus had not been carried into effect in a single instance. The information upon which the act had at first been passed, had been meagre; and the noble marquis opposite had pledged himself that the whole state of Ireland should be gone into. Many members had, no doubt, voted for the measure upon the faith of this pledge, which had not been redeemed. The noble marquis and others had said that Ireland was in a state of absolute rebellion. This had, however, been denied by the attorney-general for Ireland, who had described the whole disturbance in Ireland as being contemptible. The House had thus been induced to pass the bill under false pretences. The noble lord then referred to the papers on the table, in order to show that the state of Ireland had, instead of improving, become absolutely worse under the operation of the measure. The turbulence and violence had no doubt been put down, but then the putting of them down had been only temporary, and the spirit of the people had not been corrected. It would be dangerous to render permanent a measure which conferred such powers, and which had been found not efficient. [Mr. Goulburn said, it was intended to continue the measure only for one year]. One year would not be sufficient for ascertaining whether the measure would be beneficial or not. It had already been in operation for five months, and it had not done any good; there was, therefore, no presumption in favour of a measure which should continue for a year. He thought it wrong to delay the discussion, as the government, or at least several members of it, were well acquainted with the state of Ireland. It was true that marquis Wellesley was new as governor of Ireland; but it was equally true that the system of government was not new.—Lord Liverpool and lord Westmorland were well acquainted with Ireland; and even the noble marquis opposite knew something about the mode by which it was governed. That noble lord had, before the Union, introduced a measure with regard to Irish tithes, a subject to which the feelings of the people of Ireland were much awake. A great deal had been said about the cause of the present disturbance in Ireland; but that cause must be sought either in the tithes or in the Catholic question. With regard to the latter question, it was known that one-half of the government was for it, and the other half against it. At one time they had an anti-Catholic lord lieutenant and a Catholic chief secretary, and now the state of things was just the reverse. This could be no inducement for him to agree to a measure which appeared to be quite ineffectual. He thought they should introduce some real radical measure, which would ameliorate the condition and correct the spirit of the people of Ireland.

Mr. *Plunkett* said, he had never declared that the state of Ireland did not call for the measure in question. He had only observed, that the disturbances in Ireland were in no way connected with religious feeling.

Mr. *Denman* complained that the measure would be putting Ireland for ever out of the pale of the constitution. He thought the clause which refused costs to those who had been successful in actions against magistrates under the act, was peculiarly objectionable; and that, for the purpose of removing that and other offensive clauses, the bill should be entitled a "Bill to continue and amend the act in question."

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Thursday, July 4.

CHIEF BARON OF IRELAND.] The Marquis of *Londonderry*, seeing an hon. member in his place who had given notice of a motion respecting the Chief Baron of Ireland, wished to ask him if he would object to postpone his motion to an early period of the next session? Under the present pressure of business, he thought

such a course would best satisfy the ends of justice. It would be remembered, that at the end of the last session the charge preferred by the hon. gentleman, with the answer of the chief baron, was referred to a committee. The committee reported that there were several circumstances which called for explanation, which were not to be found in the answer of the chief baron. A farther inquiry subsequently took place, the report of which, he believed, did not reach the House till about a month from the time at which he was speaking. It was necessary that this second report should be laid before the chief baron, for his consideration and review. It had been forwarded to him. He had read and commented on it; but his letter on the subject had not been received till within the last ten days. It had been printed for the use of the House, but had not been in the hands of the members more than seven or eight days. He was therefore of opinion, that the ends of substantial justice would best be answered by postponing the motion.

Mr. *Spring Rice* was anxious to take, in the first instance, whatever step might best promote the ends of justice; and in the next, whatever might be most consistent with the dignity and convenience of that House. It was true, that if the business were now hurried on, much inconvenience would arise from commencing proceedings at a period of the session when it was impossible to carry them to a conclusion. But there was another inconvenience; that of keeping a charge pending over the head of an individual, without bringing the case forward. For doing this, which must be the consequence of acceding to the noble marquis's proposition, he hoped he should not be held responsible. He did not mean to say that any blame attached to the noble lord opposite, as, upon the whole, he considered the course which he had suggested to be the best that could be taken. There was, however, another consideration of some importance. It was proper to consider how far an individual could with propriety continue in the administration of justice against whom such a charge had been preferred. If any means could be devised to prevent this, so that the party might remain prepared to meet the accusation directed against him, without in the meantime acting as a judge, it would be very desirable that such an arrangement should be made.—The noble marquis had admitted the importance of the charge to be such, that it must be brought to some decisive issue, tending, as he (Mr. S. Rice) could say with as sincere a hope as the noble lord, either to the complete exoneration of the chief baron, or leading to a judicial inquiry of the most serious consequences. Such being the admitted importance of the case, he thought the government would not be justified if they did not now look into it, and act decisively for themselves.

PETITION OF THE CALCUTTA BANKERS.] Mr. *Brougham* said, that the claim of the petitioners arose out of a loan made by them to the Nabob of Oude, on the security of his territories. The money so advanced was borrowed to pay certain subsidies to the East India Company, and, being so paid, came into its coffers. The territory upon which the money was advanced had since been partitioned, and half of it had come into the hands of the company. Though the revenue of the territory thus acquired by the company amounted to 3,000,000*l.* they refused to pay the debt claimed by the petitioners. As the petitioners were thus defrauded of all means of redress and repayment, and as they could obtain no relief from the courts in India or in this country, owing to the sovereignty of the company, they were obliged to seek for justice in the power and wisdom of parliament. To show the justice of the claim made by the petitioners, Mr. B. read extracts from the dispatches of several of the governors-general of India, and concluded by moving, "That the said Petition be referred to a committee, to examine the matter thereof."

Mr. *Robertson* said, that the money had been lent at a most extravagant and usurious rate. He therefore must deprecate the interference of parliament to compel the payment of it.

Mr. *Wetherell* regretted to hear language which was calculated to excite a suspicion that this money had been advanced in the most questionable manner. The money was borrowed to pay a subsidy due to the company. The company was therefore bound to repay that part of the debt for which the territory was mortgaged, as a security, to the Calcutta bankers. Convinced of the integrity of the parties lending this money, and the liability of the company to pay this debt, he should support the motion.

Mr. *Hume*, instead of looking upon this as a matter fit for public inquiry, thought it a private subject. Lord Cornwallis had declared that the government ought not to interfere with matters of private debt in India; and if the marquis Wellesley considered the present subject fit for public interference, he had had abundant opportunities of promoting inquiry into the transaction. If the House tolerated an inquiry into this case, they would next session have 5,000 applications of a similar nature.

Mr. *Prendergast* said, that in the pecuniary transactions in which he was engaged in India, instead of being remunerated for his losses, he had been obliged, on the principle that half a loaf was better than no bread, to accept one half of his claim in lieu of the whole. He was compelled to abandon the other moiety, to which he was equally well entitled on every principle of equity and right, to the vizier. He would afterwards move, that the papers connected with his own case be laid before the House.

Mr. *Astell* defended the conduct of the company, and said, that if the House consented to entertain this petition, there would be no end to petitions of a similar nature.

Mr. *Plunkett* thought the petition was a fit subject for a committee. A *primâ facie* case was established by the fact of the interest having been made for some years subsequent to 1787. If the House refused the prayer of the petitioners for inquiry, they could have no remedy elsewhere.

Mr. *Wigram* said, that the company ought not to be called on in this matter. It was nothing more than an account between the vizier and the parties who had been thus concerned with him. The vizier alone, or his representative, could be answerable for it.

Mr. *P. Moore* was astonished that the hon. gentleman who was the professed agent for the petitioners could have been induced so far to sanction their petition as to bring it forward. It would not be fair to make the company answerable for debts of which they knew nothing.

Lord *A. Hamilton* did not mean to say that the company were liable for the whole debt; but it appeared to him that they were liable to pay a part of it.

Mr. *Wynn* thought there was such a *primâ facie* case made out as justified the House in going into a committee. The claim, it should be recollected, was not for services performed, but for money actually lent.

Mr. *Money* was most anxious that justice should be done, but on looking at the papers, he thought the main allegations of the petition were disproved.

Dr. *Phillimore* said, that after looking attentively at the documents he did not feel himself competent to determine whether the claim was or was not established, and therefore he should vote for farther inquiry.

Mr. *Ricardo* thought it would be most impolitic to grant a committee.

Mr. *T. Courtenay* said, this was a claim, not of liberality, but of right, and there was no judicial tribunal either in this country or in India by which it could be decided. The application was therefore properly made to the House of Commons. If the House refused to refer it to a committee, they would be in fact, trying this difficult question themselves, and deciding it against the petitioners, without hearing evidence. The board of control might, undoubtedly, if satisfied of the justice of the claim, have sent their mandate to the court of directors, ordering them to send a dispatch to India, commanding the payment of the debt claimed. But what would have been said, if the board had thus compelled the payment of 150,000*l.* to a member of parliament, against the unanimous opinion of the 24 directors. It therefore appeared to them far more eligible that it should be investigated before a committtee of that House, by whom evidence might be heard, and the whole of the facts thoroughly inquired into.

Mr. *Brougham* said, the hon. secretary to the board of control had put the question on its true footing. This was not a question of liberality, but a strict claim of right, and could not be decided by any judicial tribunal.

The House divided: Ayes, 82; Noes, 39. A committee was accordingly appointed.

HOUSE OF LORDS.

Friday, July 5.

Corn Importation Bill.] On the order of the day for going into a committee on this bill,

Earl *Bathurst* said, he did not intend to go at all into the consideration of

the cause of the present agricultural distress. Whether that distress arose from a superabundance of production, from a deficiency of demand, from the alteration of the currency, or from all these causes combined, was immaterial with regard to the present measure, the object of which was, simply, to remedy the defects of the Corn act of the 55th Geo. 3rd. By that act there was an absolute prohibition of the importation of corn until the price rose to 80s., and then the importation was to be unlimited. This sudden transition, from prohibition to unlimited import, tended to produce an equally sudden transition of prices, which unsettled all the contracts between master and servant—between landlord and tenant—which interfered with all the relations of society that had been previously accommodated to the then existing prices, and thus produced great confusion and many injurious consequences. To avoid this, there were only two modes of proceeding—the one to limit the quantity imported, and the other to impose a graduated scale of duty. It must be evident to all their lordships, that to limit the importation was impossible, even if it was all confined to one port, the difficulties would be so great as to render it nearly impracticable, but the number of ports rendered it utterly impossible. The only other mode, therefore, was a graduated scale of duty, which it was the object of the present bill to enact, in order to prevent the evils to which he had already alluded, and also to prevent that inundation of corn into our ports, which had taken place some time since on their being opened, and which grain, so imported, being afterwards thrown into our markets (though the ports had in the mean time been shut), operated upon them like a nightmare, and continued the depression of our agriculture. The present bill still gave a complete protection to our agriculture up to 80s. but in order to prevent the recurrence of the evils to which he had alluded, it was proposed, that when the price of wheat reached 70s. corn might be imported at a duty of 17s. per quarter, which duty, after the first six weeks, was to be reduced to 12s. when the price reached 80s. and from 80s. to 85s. the duty was to be reduced to 5s. and when it exceeded 85s. the duty was to be reduced to 1s. or in fact to be merely nominal. This scale of duty would prevent a glut of importation, as the duty must be first paid before the wheat imported could be warehoused. It was objected, that owing to the low price of foreign wheat, the duty proposed would afford no protection to our own farmer. It was true that foreign wheat might now be obtained at from 30s. to 35s. per quarter, but then, in addition to the duty of 17s. there were the expenses of freight, &c. amounting to 12s. per quarter, and interest upon capital, which at the least must be estimated at five per cent. The duty and expences would amount to 29s. per quarter, which, he contended, would afford an ample protection to our own agriculture, because, before noble lords gave any weight to the argument arising from the present price of foreign wheat, they must totally forget that any rise in the price of wheat, tending to produce an expectation of the ports being opened, would immediately produce a corresponding rise in the price of wheat upon the continent. This was rendered evident by what had actually taken place not long since, when the consequence of a rise in the price here was an immediate and considerable rise all over the continent. The fact was, that the present price of foreign wheat was not what the foreign farmer could afford to sell it at, but that the agricultural distress on the continent was infinitely greater than it was in this country. Instances were almost innumerable, in which mortgagees had taken possession of lands, the possessors of which were unable to pay the interest of the mortgages, and in numerous instances, tenants who held under the Crown had given up their lands, being unable to pay the arrears of rent. Lands, which had, under these circumstances fallen into the possession of mortgagees and the Crown, had been offered to sale; but no purchaser could be found. Such was the state of the continent; and it was, under these circumstances of distress that foreign wheat sold at the low price which it at present bore; but it must be obvious, that if there was any prospect of a demand for it in this country, that price would immediately experience a very considerable rise. Objections had been made against that part of the bill, which allowed the foreign wheat now in warehouse, amounting to 650,000 quarters, to be admitted into our markets when the price was at 70s.; but before it could be so admitted, the duty of 17s. per quarter must be paid upon it, and therefore it would become a matter of speculation with the

holders, whether they would pay the duty to bring it to the market, or whether they would wait if there was a prospect of a rise to 80*s*., at which price they were entitled, under the faith of the Corn act, to bring it to market without any duty. The amount, at all events, was limited, and our agriculture would, he contended, be sufficiently protected. Another objection made against the bill was, that it would, in the present state of the markets, be entirely inoperative. This he admitted; but he maintained, that it was precisely under these circumstances that they could best legislate upon the subject, as they could do it temperately and with due deliberation, which would be impossible under the pressure of high prices. Some of the agriculturists had proposed a permanent duty of 30*s*. per quarter; but he was satisfied that such a duty could not be maintained under the pressure of high prices, and that, if it was enacted, it would only be for the purpose of repealing it as soon as it came into operation.

Lord *Erskine* observed, that the object of the present bill was to repeal in part the Corn act of the 55th George 3rd. The principle of that act was, that the farmer could not afford to sell at a less price than 80*s*.; but what was the principle of the present bill? To allow the foreign farmer to come into the market, in competition with our own agriculturist, at 52*s*. How was it possible that the British farmer could afford to sell his wheat at such a price, with all the burthens of tithes increased in amount, in proportion to the capital laid out in improving the land, the poor rates, the assessed taxes, charges for roads, &c.? At any rate, let the burthens be equally distributed. A report had been sometime since made from a committee of the House of Commons, which stated, that it was the intention of the legislature that the poor-rates should be assessed according to the 45th Eliz. that is to say, that personal property, as well as the land, should be assessed to those rates. But what was the fact? At a period when, instead of 7,000,000*l*. the poor-rates only amounted to a few hundred thousand pounds, the rates were improvidently made a local tax, and thus personal property altogether escaped, and the whole burthen of the rates fell upon the land: a large manufactory, from which its possessor received immense profits, was rated no higher than a barn of the same dimensions. He felt this so strongly, that it was his intention next session, to introduce a bill, for the purpose of declaring the law to be, that personal property, as well as the land, should be rated for the support of the poor. The noble earl had spoken of mortgagees and the Crown taking possession of lands upon the continent; but let it be recollected, that the mortgagees and the Crown could sell the wheat produced upon those lands, and that it was not a question as to the price at which it was first sold, but as to the speculation which would be caused by the operation of the present bill, and which would have such an injurious effect upon our agricultural interests. He did not mean to stigmatise the dealers in corn; but there were a number of speculators who would not mind cutting the throat of any noble lord, if they could get half per cent more by it; and it was the speculation to which this bill would give rise that would so much increase the distress of our agriculture. In the present state of our agriculture, to take away any part of its protection would be adding to its distress: so far from taking away protection, it required a still farther protection, to prevent the land from being altogether thrown out of cultivation. It was as monstrous to talk of throwing the poor lands out of cultivation, upon which so much capital had been expended as to propose not to pay the public creditor; although, if the depression of agriculture was to be increased, the whole of the land must be thrown out of cultivation; and then it would be impossible to pay the public creditor. As to the supposed proposition, of a permanent duty of 30*s*. he did not believe, that any such proposal had seriously been made on the part of the agricultural interests. Viewing the bill as a repeal in part of that protection, given by the act of 55 Geo. 3rd, and which was now more than ever needed, he felt it his duty to oppose it, and should therefore move to postpone the commitment of the bill for three months.

Lord *Dacre* thought, that as the measure could not produce any immediate effect upon the agricultural interest, as it looked only to prospective good, and might produce much present mischief, it would be better that it should be postponed for the present session. The question before the House was one of comparison, and he would ask how the mea-

sure under consideration was better than the measure which it was intended to supersede? It was possible that some of the causes of the present distress might be removed before the next session. We might then see the whole of the effects produced by the late alteration in the currency. There might be a reaction of prices before then, which would have the effect of rendering the measure injurious to the country. It would not be denied, that taxes had a great effect on the condition of the agriculturist. How happened it, that with the same prices as 1792 their condition was so much worse? The poor-laws had also their effect. Superabundant production was said to be another cause; but if before the next session it could be proved that that was not a cause, then a different mode of legislation on the subject from the present would be necessary.

The Earl of *Harrowby* observed, that if they refused to legislate until all the causes alluded to by the noble lord were ascertained, their proceedings might be postponed for a century. Some of the obvious causes of the depression of price were the large quantity of foreign corn imported in 1818 and 1819, and three successive superabundant harvests. The evil against which they ought to guard most cautiously was that of too sudden a depression of price by unlimited importation when from any cause the price was raised so high as to open the ports, and he thought that in the present state of the circulating medium, 70*s*. was as great a protection to the agricultural interest now, as 80*s*. was in 1815. The distress could not be attributed to taxation, because in some of the Swiss cantons, where there was comparatively no taxation, the same depression was to be found. If the present bill did not contain the best system that could be devised, it was at least a compromise with conflicting opinions; and that, he conceived to be no small advantage in the present state of the public mind upon this subject.

The Earl of *Carnarvon* admitted, that the British agriculturist could not meet the foreign grower in the home market without some protecting duty; but when their lordships were about to establish permanent duties for the importation of corn, they should consider what ought to be the minimum of protection. If it were fixed at a rate which would constantly keep corn high, trade would be destroyed, capital driven out of the country, and the interest of the agriculturists themselves completely ruined. It was necessary that their lordships should have the fullest data to go upon. Were they in possession of all the effects produced by the recent alteration in the value of the currency? Now, he would assert, that the greater part of the present distress arose from the altered value of the currency. As to the new import price of 70*s*. and 80*s*., did any noble lord expect that such prices could continue in this country? For two centuries before the restriction of cash payments, the average price of corn did not exceed 50*s*. Those prices rose to a great height during the restriction; but now that the currency was restored, it would be absurd to suppose that the same high prices, if they at all occurred, could be continued for any time.

Lord *Redesdale* maintained that the present was not the time for legislating on the subject, and described the bill as offering an encouragement to the same species of gambling which prevailed in Change-alley. It was for the advantage both of the grower and the consumer, that the price of corn should be kept as near an average as possible; but this gambling system would give rise to perpetual fluctuations. One of the causes of distress, he conceived to be the taxation; for if it took two bushels now to pay what one bushel would pay before, the agriculturists must feel it burthensome. The present measure was not calculated to give satisfaction to any one. By waiting, they might have better information as to the foreign markets. He did not see why postponement should not take place, when it was evident that unless the price rose to 80*s*. the bill could have no effect before next session; and, with regard to the corn which was warehoused, though it was no doubt an injury to the country to have capital locked up, yet, if it should be brought out at a low rate, it might have a very injurious effect upon the agricultural interest. He felt convinced that the measure would be productive of no good.

Lord *Ellenborough* said, his reason for supporting the bill was, not because it was a permanent measure, but because it went to provide against an evil which might be attendant upon a sudden return of high prices. He admitted that the bill would give no relief to the farmer;

but it would prevent the danger which might arise from the operation of the present law. He would ask any of those who petitioned against this bill, whether, if corn suddenly rose to 80*s*, they would not prefer it to the law as it stood at present?

The Earl of *Darnley* said, he had always deprecated inquiries into this subject, because he was satisfied they would not be attended with any beneficial effect to the agriculturist. The distressed situation of the farmer had been truly described; for he had, in fact, to give twice the amount of produce now for his tax that he did some few years back. It had been truly said, that it would be impossible to continue corn at the high prices of 80*s*. or even 70*s*. One reason why he wished that the bill should not pass was, that those for whose benefit it was introduced were to a man against it.

The Earl of *Morley* said, that looking at the quantity of corn in the country, he did not think it an impossible case that the ports might not, as the law now stood, be opened before the next session. To guard against the chance, however remote, of a circumstance, the evil effects of which would be felt for years to come, he would vote for the present bill.

The House divided: Contents, 37; Not contents, 19. The bill then went through the committee.

HOUSE OF COMMONS.

Friday, July 5.

MARITIME RIGHTS.] Sir *J. Mackintosh* rose, to put two questions to the noble marquis opposite arising out of subjects which materially affected the naval interests of Great Britain. The House was aware that the emperor of Russia had issued a Ukase, by which he claimed, as Russian dominion, the North-east coast of Asia, and the North-west coast of America, attaching thereby to himself an extent of coast of 5,000 miles; and, as a proof of the exercise of sovereignty over those limits, forbidding the ships of all other nations to come nearer than 100 Italian miles of that part of the North-west American coast, within 51 degrees North latitude. He understood there were now several ships fitting out in the port of London, for the purpose of carrying on traffic with that part of the North-west American coast, which had hitherto been claimed as our own. He wished, therefore, to ask the noble lord, whether his majesty's government had received an authentic copy of the Imperial Ukase, and whether it was their intention to take any steps to protect the rights of British navigation against such extravagant pretensions?

The Marquis of *Londonderry* said, that a copy of the Ukase had been received by government, through the Russian ambassador: and shortly after its receipt, a note, in answer, was addressed to the ambassador, stating, that as far as regarded the right of sovereignty and the maritime principle, the British government could not accede to the terms of the Ukase; but offering to enter into an amicable explanation, with a view to a friendly arrangement.

Sir *J. Mackintosh* said, he had another question to put to the noble marquis upon another incident that affected the lawful navigation of British subjects. The House must have heard of a recent decree of the Spanish Court of Admiralty at Porto Rico, by which a British vessel, trafficking with Buenos Ayres, had been condemned as good prize on account of an alleged contravention of the fiscal and colonial laws of that country. Now, though he was convinced that by international law no state had a right to detain vessels as prize which were trading with territories over which she claimed dominion, but of which she had not possession, still he did not know of any other mode of checking the practice which Spain had recently adopted than by recognizing at once the independence of the territories which she considered as colonies dependent on her. He wished to ask of the noble marquis, whether he had received any information of the condemnation of a British vessel at Porto Rico for a pretended contravention of the law of Spain in trading with the Spanish colonies; and, if he had, whether he had taken any measures to prevent the repetition of a similar injury?

The Marquis of *Londonderry* had no recollection of having heard of such an occurrence before. If the hon. member would mention the name of the vessel, it might bring the circumstance to his mind; but at present he had no recollection of any thing at all like it. He had not, to the best of his knowledge, received any information of the fact. If it had occurred, he should be obliged to any hon. member who would make him acquainted with the particulars of it.

Dr. *Lushington* said, that the name of the vessel was the lord Collingwood, that he had seen the decree of condemnation, and that if the noble marquis would permit him, he would forward a copy of it to him for perusal. In consequence of this decree, the insurances to that part of the globe had risen from 30 to 70*s.* per cent.

The Marquis of *Londonderry* repeated, that the document in question had never been in his possession. He should, however, be glad to peruse it.

NATIONAL MONUMENT IN SCOTLAND.] Lord *Binning* moved, that the petition relative to the National Monument in Scotland be referred to the committee of Supply.

Mr. *Hume* wished to know why the petition was to be referred to that committee?

The *Chancellor of the Exchequer* was of opinion, that it naturally belonged to the committee.

Sir *R. Wilson* objected to the proposition, as the petition was founded on an erroneous statement of the funds applicable to that purpose.

Lord *Binning* stated, that the sum of 100,000*l.* had been voted, though he acknowledged it was not raised or appropriated.

Mr. *Bennet* objected to the principle of this proceeding. He had voted for the 100,000*l.*, but it was with the view of building a church, and it was necessary to draw a distinction between churches and triumphal arches.

Mr. *Hudson Gurney* thought, under the present circumstances of the country—acting on a system of severe, and, in many instances, of very unjust reductions of public expenditure, famine in Ireland, and distress in England—it was impossible to vote 100,000*l.* for the purpose of erecting on the Calton Hill at Edinburgh, a bald, meagre, and miserable imitation of the Parthenon at Athens. [Hear, hear!]

Lord *Binning* said, that the question was not now what the style of the monument should be, but whether the petition should be referred to a committee.

Mr. *Hume* said, that this was not a time for a hasty appropriation of the public money.

Lord *Binning* expressed his astonishment at the novel course which had been taken on the present occasion. He would withdraw his motion for the present.

ARMY EXTRAORDINARIES.] The House having resolved itself into a committee of supply,

Mr. *Arbuthnot* said, that in consequence of what had passed in the committee last session, every effort had been made to render the estimates of the army extraordinaries more perspicuous and detailed. He hoped the committee would allow that he had redeemed the pledge which he gave on that occasion. Formerly, the practice was merely to state the amount of the bills drawn from the colonies; but the committee would now find an abstract of the particulars. The vote to which parliament had agreed last year was 1,050,000*l.*; but then considerable balances were in the hands of the commissaries, which balances were at present much diminished. The sum which he should propose this year for the army extraordinaries was 700,000*l.* It was necessary, however, to observe, that formerly there was included in the army extraordinaries a sum of 200,000*l.* to the East India Company, which was afterwards repaid by the Company to government. In consequence, however, of recent arrangements, it would henceforward be unnecessary for the public to make any advance of this nature, which was for clothing, and other expenses of the army in the East Indies. He concluded by moving, "That 700,000*l.* be granted for defraying the extraordinary expenses of the army (with the exception of the forces employed in Ireland), for the year 1822."

Mr. *Hume* said, that though a considerable improvement had taken place in the manner of making out these estimates, still he thought that the separate estimates for the colonies ought to be distinctly shown and explained. Where was there an account of the real revenues of these colonies? The revenue of Ceylon was 378,812*l.* which, if the exchange were not affected by a depreciated currency, would amount to 865,000*l.* In the Mauritius there was a revenue of 164,441*l.* Why were not these receipts regularly explained and accounted for, before the people of England were called upon to pay grants for the particular services of these colonies? The revenue of Malta was 180,333*l.* of the Cape, 116,000*l.* which, without including 40,000*l.* or 50,000*l.* for Trinidad, made a total colonial revenue of 767,701*l.* a year—a sum that would exceed a million were it not for the depre-

ciated currency. These revenues ought not to be at the disposal of the king and council, and the local governments, without parliamentary inquiry, and being rendered item by item applicable to the colonial expenditure. There was a system of expense kept up in these colonies which was unjust and unnecessary. For instance, there were colonial agents, one of whom (for Ceylon) was the commissioner for Woods and Forests at a salary of 1,200*l.* a year, for doing what could as well be done, without any additional expense, by the colonial commissariat and paymaster establishments. Other colonial agents, equally unnecessary, had 600*l.* a year at home. The agent for the Ionian islands had 500*l.* He should propose the reduction of these sums from the grant. There was also 2,557*l.* a year for 8 inspectors of militia in the Ionian islands, although the islanders were all disarmed. The same appeared at the Cape of Good Hope, and in that colony he could not help contrasting the amount of the estimate deemed sufficient in the year 1816, when we obtained possession of it. Lieut. general Craig, who was then governor, received 1,116*l.* as his full payment; the present governor received 10,000*l.* besides large staff appointments, amounting in all to about 25,000*l.* The secretary for the colony had 3,500*l.* a year. The whole scale of these salaries was most exorbitant, and especially that of the auditor of accounts. The aggregate charge for civil appointments at the Cape was 18,000*l.* a year. Of this sum, 9,000*l.* or 10,000*l.* might be saved to the country. The yearly revenue of the Mauritius was not less than 164,441*l.* Yet this country was called on to pay a very considerable sum on account of it. With such a revenue, the island ought not to be such a burthen to us. Yet how could it be wondered at, when such men as Mr. Hook might be allowed to get into the debt of government 10, or 12,000*l.* How could it be wondered at, when such men were allowed to enter upon office without giving any security. The public had lost millions by the neglect of government in appointing to offices. For the same paltry island there was a paymaster-general at 1,600*l.* a year, a deputy-paymaster-general at 500*l.* a year, and several other officers with salaries equally disproportionate. He certainly did understand that ministers meant to send out a commission with powers to inquire into these various establishments; and he would allow that this circumstance showed a disposition on their part to put them on a more economical footing. Had government sent out such a commission a few years ago, the army extraordinaries for the ensuing year would be less than the present amount by 300,000*l.* The only way for the House to proceed would be to reduce the vote by 100,000*l.* The same observations would apply to Jamaica. The collector of that island was lately dead; and this office was now to be given to a young man totally unconnected with the public service; instead of being conferred on some individual who was now receiving a salary for the performance of the duties of the collector. With respect to Gibraltar, it was scandalous that a man should be sent out with an enormous salary, as governor, to a place which experience had shown could be held by the representative of the governor. On the lamented death of the duke of Kent, whose continued residence in this country afforded a sufficient proof that the appointment of a governor of Gibraltar was by no means a necessary one, ministers were so eager, that they did not wait a single week before they gave the appointment to the earl of Chatham. The expenditure in other respects at Gibraltar, was enormous. Besides the governor, deputy-governor, &c., there was a civil secretary with a salary of 1,200*l.* Then there was a judge advocate, with a salary of 1,000*l.* It was difficult to conceive, what could be the duties of such an officer in the garrison.—The hon. gentleman proceeded to point out a variety of unnecessary expenses incurred in Sierra Leone, Gambia, Heligoland, Nova Scotia, &c. The colonies cost this country on the whole above 2,500,000*l.* This sum certainly did not all come under the head of extraordinaries; but it was the same thing to the country, as it was defrayed among the ordinary charges. He contended that one-half of the staff kept up in the colonies was unnecessary; and as to the commissariat department, at least one-half of it consisted of perfect sinecures. If he should have a seat in that House next session, he would certainly oppose the classing of any permanent expenditure under the head of Army Extraordinaries. Among the most objectionable items of expense, he could not help noticing a charge of 900*l.* for managing a Dutch loan. This was an expense which certainly ought to be de-

frayed by the parties instead of falling upon the people of this country. With regard to colonial agents, he held them to be altogether a needless charge, and should therefore take the sense of the House on the propriety of continuing it. His amendment would also include the abolition of the offices of the inspectors of the Ionian militia. Another vote in the papers was 3,000*l.* for colonel Petre's establishment, which seemed quite useless. Each regiment had its separate riding-school; why then maintain a general school for the whole of the cavalry regiments? The colonial revenues ought to be brought distinctly before parliament; nearly a million was expended upon private establishments, which were kept out of the view of the public: this expenditure was, besides, under the sole control of the secretary of state. Availing ourselves of the revenues of the colonies, an expense of 500,000*l.* might be saved. In this department there was scarcely an item in which a saving of nearly half might not be effected. He was determined to take the sense of the House upon the two items he had before mentioned. The expense of colonial agency was 3,400*l.* per annum. From this charge the public did not receive the slightest benefit. The other item on which he should call for a division was 2,577*l.*, the pay of eight inspecting officers of the militia of the Ionian islands, making in the whole a deduction of 5,977*l.* from the original vote of 700,000*l.* The hon. gentleman concluded with moving an amendment, reducing the vote required to 694,023*l.*

Mr. *Wilmot* contended, that the reduction proposed had nothing to do with the vote of 700,000*l.* for army extraordinaries. In the outset he would say, that the value of our colonies was not to be calculated merely by commercial considerations—by the precise sum they cost or produced—they were connected with the power and glory of Great Britain. At all events, if they were looked at in the narrow view of the hon. gentleman, the revenues they produced should be balanced against the expenditure they occasioned. The hon. gentleman had not adverted to the undeniable fact, that Canada, Nova Scotia, Newfoundland, &c., yielded receipts to the amount of 287,000*l.*, which ought of course, to be placed on the credit side of the account. With respect to colonial agents, their duties were of considerable importance, and their services could not be dispensed with. The colonies did not wish for the reduction of them, although they paid the expense. Though the militia of the Ionian Islands had not been actually embodied, it had been mustered; and if these inspectors were removed, other persons must be called upon to perform their functions. Besides, as English residents, they produced the most beneficial results. If they were not in the islands, the government of them would be a task of much greater difficulty. The question was, whether the people of the islands would be satisfied without the services of these inspectors? No colonial agent was yet appointed for New South Wales, but it was in contemplation to send one out. It was also the intention of government to send out commissioners to Ceylon and the Mauritius, to ascertain the propriety of diminishing the salaries of public officers there. As to extending the British constitution to the islands upon which it had not yet been bestowed, few persons would agree, that, in the present state of society there, such an extension would be of advantage. The hon. gentleman seemed to wish to make many sweeping reductions, and to put all offices, as it were, up to a Dutch auction. Such a proceeding reminded him of an observation which had been overheard during the late Stockport riots, where a person had said, that "when things came about, he knew a man who would perform the duties of chancellor of the exchequer for half-a-guinea a week." The remarks of the hon. gentleman on Sierra Leone were altogether inapplicable. The expense of that settlement was borne by the people for the sake of religion and humanity; and ought not to be made a subject of mere pecuniary calculation. On the subject of securities, he could assure the House that no officer was now appointed to any place of trust in the colonies without them. The military situation of Canada, and its contiguity to the United States, rendered it necessary that a force should be kept up there at present; but he had little doubt that, if her resources were brought into full operation, she would be able to defend herself against America. Trinidad, like some other colonies, was not in a situation to receive the benefit of the British constitution; but he admitted, that where improvements were rational and practicable, they ought to be adopted.

Mr. *Bennet* said, they had heard much of the importance of the duties entrusted

to colonial agents, but no explanation had been given as to the nature of those duties. He should like to know where their office was, the number of clerks on their establishment, and the quantity of pens, ink, and paper, consumed in the performance of their official functions. When, upon a former night, an hon. gentleman (Mr. Courtenay) made his flourishing statement to the House, it appeared that the whole interests of India were under his especial protection; and so severe was his labour, that he had not even a moment to spare. How came it, then, that he could find time to manage the settlement of the Cape of Good Hope, for which he received a salary of 600*l.* a year? Would it not be much better to state at once, what must be known to every one, that the situation was pitched upon as the means of putting 600*l.* a year in the pocket of the hon. gentleman without his performing duty to the value of 6*d.*? Why should demands for money be made under such false pretexts? They had had the Mauritius for some years, and what use was made of that settlement? Why, it was selected as a proper place to send out a number of needy Englishmen, who received large salaries for nothing. To use the good old House of Commons' phrase, it was a famous place for jobs, and nothing else. He could name a governor who could prove to ministers the necessity of getting rid of that abuse in the Mauritius more than in any other colony. The hon. gentleman opposite knew the individual to whom he alluded. It was he who had exposed the conduct of a man of the name of Theodore Hook, who had robbed the public to the amount of 8 or 9,000*l.* In Canada, he found a large expense was incurred in raising fortifications. He should be glad to know what it cost the Americans to watch the British there. So little did they think about it, that they employed no watchman at all. For his own part, he wished Canada to be given up.

Mr. *Goulburn* would never consent that any of his majesty's subjects should be given up in the manner pointed out by the hon. gentleman. With respect to the fortifications erecting in Canada, they were rendered necessary in consequence of the Americans having built a considerable fortification on their frontier.

Mr. *Huskisson* defended the propriety of employing colonial agents. The hon. member for Aberdeen had divided the colonies into two classes; the one, in which the government was carried on by a local legislature; the other, comprising the new colonies, where the duties of government were transacted by a governor, assisted by a council. In Jamaica, and all the West India islands, the former practice prevailed. The funds were levied by the legislature and appropriated by them; but there was not one of those colonies which had not a colonial agent, with a salary, to attend to their interests.

Mr. *T. Courtenay* said, he was surprised at the assertion of the hon. member for Shrewsbury, that the office of agent for the Cape, which he (Mr. C.) held, was an office that had no duty attached to it. That hon. member, in the whole course of his parliamentary life, never made a greater mistake. Precisely the same description of duties which his right hon friend (Mr. Huskisson) had performed for Ceylon, he (Mr. C.) now performed for the settlement at the Cape. The duties connected with the agency for Ceylon were undoubtedly more extensive than those which he had to perform, but then his salary was proportionably larger. He might appeal to his hon. friends, whether he was not considered *a bore* at the public offices, because of his frequent applications on the business of the Cape of Good Hope. Besides conducting the various claims of that colony, he had to attend to its business with government, and he had likewise to look after its interests in parliament. He had received letters from the colony, which attributed much of its prosperity to his exertions. With respect to his situation at the Board of Control, he certainly had much business to do. The hon. member himself now admitted it; and he was glad he did so, because last year the hon. member declared, "that he was of no use either in that House or elsewhere." No doubt, if he (Mr. C.) got another office, the hon. member would find but that the agency of the Cape was not a sinecure, and then his exclamation would be, "Oh! how can this agent of the Cape, with so much business, perform these new duties." It was impossible for any public man's time to be so taken up that he would have no leisure left. He was obliged, by the state of his circumstances, to give up that leisure time to active and laborious duties, which he would more willingly devote to dissipation and amusement. His place at the India Board he held by the precarious tenure

of his majesty's government: his place at the Cape, he hoped to retain as long as he continued to perform its duties to the satisfaction of the colonial government.

Mr. *Brougham* said, that with respect to the agents, he was convinced that the right hon. gentleman and the hon. secretary were not overpaid: they were worth the money: they were in fact the friends at court of the colonies. But what they did for the colonies with his majesty's government, they did at the expense of the people of this country.

The Committee divided: For the original resolution, 82.; For the amendment, 55.

HOUSE OF COMMONS.

Monday, July 8.

SMALL NOTES BILL.] Mr. *Bennet* presented a petition from Mr. James Ferguson, of Newman-street, stereotype printer, praying that parliament would not sanction the Small Notes' bill, until they had satisfied the House, that they had used the best means in their power to frame a note, which furnished a better security than their present one, against the attempts of forgers.

Mr. *Hume* hoped that the House would pass the bill for circulating small notes exchangeable for specie. Along with this, however, it became the bank to consider, that as the new bill would enable them to issue small notes during the term of their charter, it was doubly incumbent upon them to issue such notes as were least likely to be imitated. He knew very well, that an inimitable note was unattainable; but he also knew that the Bank had the means in their power of lessening the danger from forgery, by improving their own notes, and imposing additional difficulties upon the attempts to imitate them.

Mr. *Pearse* said, that the Bank could have no other desire than to issue the best note they could for the security of the public. The utmost care had been taken by the directors. Commissioners appointed to inquire into the subject had sat long, and the result of their investigation was, that it was impossible to find any other plan of note which was not more easily imitated than the present one. The Bank engraver had imitated all the plans submitted by the commissioners.

Mr. *Lockhart* agreed, that an inimitable note was not to be expected; but it was a fact, that fewer forgeries were comparatively passed upon the country banks, owing to the better execution of the notes. The Bank of England, considering their very large profits, ought to have inspectors in London and the great towns and districts to give information respecting their notes.

Mr. *Hudson Gurney* said, he must extremely doubt what had been said of the great facility of forging the notes of the Bank of England. If so, there would have been many forgers; but it was well known, that all the forged one pound notes came from one or two manufactories of them at Birmingham, in which considerable capital was employed, and that the Bank had never been able to come at the actual parties concerned in the fabrication—all the prosecutions having been of issuers, or of persons who dealt in the article. The country banks were protected, not by the excellence of their plates, but by the narrow limits within which their notes circulated.

Mr. *Pearse* said, that the country bankers rarely prosecuted. They often paid the forgeries sooner than take any step which might affect the credit of their notes.

Mr. *Ricardo* approved of the appointment of inspectors, particularly in the metropolis.

Mr. *Hart Davis* said, that the Bank had lately received a million sterling of their notes from the country, without a single forgery.

Ordered to lie on the table.

IRISH INSURRECTION BILL.] Mr. *Goulburn* said, that under no circumstances could he consider it as other than a most painful duty to have to submit to the House the continued application to Ireland of the provisions of the Insurrection act. For although he had more than once thought it his duty to support bills of this description when proposed by others, he could nevertheless assure the House that there was not a man in it, who was more sensible than himself of the objections to which they were liable. Most gratifying indeed would it have been to the noble lord at the head of the Irish government, if he had felt himself justified, consistently with a due regard to the safety of the lives and property of the quiet and loyal inhabitants of Ireland, in dispensing with a measure which,

though not inconsistent with the practice of the constitution, was certainly a deviation from those principles of moderation and mildness which ought to characterise the government of a free and civilized community. But the state of Ireland did not admit of the gratification of private feeling at the expence of the public safety; and as a necessity unfortunately existed for measures of extraordinary vigour and severity, the noble lord would be the last to shrink from the responsibility of recommending such measures to parliament. Nothing but the necessity of the case could justify this appeal; but if he could satisfy the House that that necessity unfortunately now existed; if he could prove that the state of Ireland was such as to require the adoption of extraordinary measures; that the existing laws were not sufficient to meet the emergency; and if he could farther show, that the measure which he now proposed was particularly calculated to meet and to remedy the existing evil, he flattered himself that, whatever might be the objections to the measure on the score of principle, he should nevertheless be entitled to the approbation and support of the House. So short a time had elapsed since the original enactment of this law, when the circumstances which called for it were fully detailed, that it could not be necessary for him to enter into a recapitulation of the events of the last eight or nine months, which formed the ground of the enactment. Every one would recollect what was the state of Ireland as then laid before the House in the despatches from the lord lieutenant; and if he adverted to that state of things at that time, it was only with the object of showing by a comparison with the state in which they were now, the necessity of re-enacting this bill. At the period to which he alluded, a general system of insubordination prevailed throughout Ireland, more certainly in some districts than in others, but the distinctive marks of the peculiar evil were to be found in every part of the country. This system of insubordination had been for some time progressively increasing, and had in one district been matured into open insurrection and rebellion and warfare with the king's troops. It was to be observed moreover, that this was not any sudden ebullition of popular feeling, excited by some temporary and fleeting cause; but that it had regularly and gradually grown up from small beginnings until a system had been organised, the avowed object of which was to interfere with the administration of property, to tyrannise over individuals, and to prevent the enforcement of the laws, and the due execution of justice. This system was built upon a general combination among the disaffected of the lower orders, and it was maintained and conducted by the means of secret associations, of which it was not easy to fathom the source, but of which the objects could not be mistaken. The most dangerous and destructive principles were avowed and enforced, illegal oaths were imposed, converts were daily made, the most severe denunciations were held out against the payment of rents, taxes and tithes, and against the letting of lands in any manner at variance with the orders of these secret associations. Their denunciations of vengeance, easily called forth by resistance to their authority, were carried into effect with unheard-of barbarity, and the nightly assemblages of armed people, afforded the means of forming their plans and of executing their decrees. Another object of these nightly meetings was the collection of arms, and the making of proselytes, with a view to the complete extension of their principles through the country. It would be most painful for him to state, and for the House to hear, the excesses, the outrages, the cruelties which had been committed—the violations of property, the robberies, the burnings of houses, the murders, which had afflicted and disgraced Ireland Into these he would not enter, because it was not his wish to make an appeal to the feelings of the House on a question on which he was most anxious to apply himself to their calm and unbiassed judgments. It was sufficient for him to state, that, in February last, a system of terror was completely established through a part of the country; that a systematic attempt was made, and nearly perfected, to establish a power in the country stronger than the law, and to convince the people, that, while they might offend the law with impunity, they must not disobey the orders of these self-created legislators without incurring the most immediate and dreadful punishments. It was not to be supposed, that a system of this kind could be formed without exciting the notice and the fears of the government. The government of Ireland had seen the

evil, and had endeavoured to remedy it, by the application of all the means which the laws and the constitution afforded; and he was sure there was no gentleman present who would blame ministers for not, in the first instance, applying to parliament for extraordinary powers. It was, in all cases, the undoubted duty of government not to apply to parliament for an extension of power, until they had tried and found the inefficacy of the existing laws; for nothing could tend more effectually to create a disrespect and contempt of the law, than for the government to call upon parliament, upon every slight emergency, to strengthen its hands, without a fair application of the power which could be legally exercised. In the present case, every means had been tried to re-establish tranquillity, without success; and it was only on their failure that the Insurrection act had been applied for. The assizes were held: many persons were tried, convicted, and executed; but the desired effect was not produced. Government had recourse to special commissions: numerous offenders were brought before them—and the severity of the law was tried, to an extent scarcely justifiable under other circumstances. But the effect of the execution did not survive the execution itself: on the very night, sometimes, after some of these misguided individuals had forfeited their lives to the offended laws of their country, offences of the same kind, and of equal enormity, were perpetrated; and witnesses were attacked, and sometimes murdered, for having given their evidence againt some of these offenders. But though the law was, in many instances, administered with a severity calculated to enforce a dread of the law, superior to that inspired by the acts of the insurgents, it was not an indiscriminate severity. No government ever took more pains than the government of Ireland—no individual ever applied himself so devotedly as the lord lieutenant, to look for cases in which mercy might be exercised, without injury to the public; but he was sorry to say that while the punishments which were inflicted had no effect in deterring others from the commission of crimes, as little did the mercy which was shown make any impression upon the feelings of those to whom it was extended; on the contrary, it seemed rather to operate as an encouragement to the commission of offence. Nor was the government backward in applying means of prevention as well as of punishment. The counties in which this insurrectionary spirit prevailed, were filled with the special police, an establishment which had been found to be productive of great benefit in Ireland; the military force was increased by one half, and disposed in the most effectual way over the country; but neither the vigilance of the police, conducted in the most active and able manger and with the utmost zeal, nor the efforts of the military, directed by the most skilful officers, were capable of producing the desired effect of tranquillizing the country, or of affording protection to the peaceable and loyal inhabitants. At the meeting of parliament the plans of the insurgents were advancing rapidly to a state of consummation. It was under these circumstances that the government of Ireland felt itself compelled to apply to parliament for extraordinary powers, and that parliament thought it right to grant them. It was gratifying to him to be able to state that at the moment he was addressing the House the danger no longer existed to the same extent; that in the districts which were the principal seats of the disturbances, a very great diminution had occurred in the number of offences, and it might be hoped that some reform had taken place in the spirit and feelings of the people. By the munificence of this country, in administering to the wants of Ireland, a spirit of kindness had been excited, which it was to be hoped would lead to a firm attachment to the government and to the laws of the country from which the relief had proceeded. But when he said that a considerable improvement had taken place, he was also bound to add, that there still unfortunately existed sufficient ground for apprehension, that, if government were now deprived of those extraordinary powers with which it had been invested, a recurrence of the evil would be the inevitable result. When crimes of the nature of those to which he had been alluding had attained a certain degree of maturity, it was not to be expected that the spirit which had led to them could at once be suppressed; it required something more than a temporary submission to the law, to show that the country was really and effectually tranquillized. In Tipperary seven houses had been burned, and nine attacked and robbed of arms, and one murder committed in one district, within the short space of ten days. But the

magnitude of the evil did not depend upon the number of houses attacked or burned, or upon the number of outrages committed; an increase in the number of crimes might take place in the most peaceful communities, might be adequately met by an increased vigilance in the administration of the existing law; but the real nature of the evil in Ireland was to be found in the peculiar and distinctive character of the outrages committed. It was impossible to peruse the papers on the table, without seeing that the crimes now committed were marked with the same features which had distinguished them from the beginning. They bore the marks of the same systematic attempt to raise the power of the populace above the power of the law. The outrages committed were in general preceded by some notice to the suffering individual, whose whole offence consisted in his disobedience to this illegal authority.—Another distinctive character which marked these outrages was, the systematic efforts which were made to inflict vengeance upon those who were in any way instrumental in bringing any of these criminals to justice. It was most distressing to know, that in the state in which Ireland had been, the law could not be put in force without risk to the lives of those well disposed individuals who dared to give their testimony in courts of justice. To such an incredible extent was this carried, that it had become, in the administration of the law, almost a matter of course to commit the witness to one gaol, while the criminal was sent to another, as the only means which the magistrate possessed of securing to him effectual protection. The papers would present to the House a very recent instance, in which even this precaution had been found unavailing, in which an individual, who had been so committed to a gaol as a place of security, previous to his giving his evidence, had been induced to go out for a day, and on that very day had paid the forfeit of his life for his indiscretion. But what was the general state of the country, as represented in the papers before the House? That the people were all sworn to the same undefined object which marked these associations from the commencement, and that they still retained the arms of which they had illegally become possessed; that they had the disposition to attempt, and the means to execute their general purpose of violence and revolution. He would, then, put it to the House, whether it would be prudent to withdraw these powers from the hands of government? Whether it would be just or humane to leave the peaceable and well disposed inhabitants of Ireland, at the mercy of such criminals as those he had described? Or whether, after what he had stated, it could for a moment be contended that the ordinary laws in existence were sufficient to meet and put down the existing evil. The great claim which this law had upon the approbation of parliament, was, that it was precisely calculated to meet the evil complained of. In many instances it operated rather in the way of prevention than of punishment; it arrested the culprit in the commencement of his course; it saved him from the commission of crime of a deeper die, and from a severer punishment. The ordinary laws in force admitted no interference, for the purpose of preventing the meeting of these insurgents. But this bill effectually prevented the meeting, by restraining the parties to their dwellings; if it failed in that, it enabled you to find out, by examination of the houses, those who had been present. If the government were to be deprived of this power of thus checking crime, they would have no other alternative left but that of inflicting the last dreadful sentence of the law, and depriving the criminal of life. With whatever propriety, therefore, this might be called, and it was justly called, a measure of severity, as applied to a country in a state of tranquillity, yet, in a country like Ireland, where the law had for a time lost its power, and where there was known to exist a determined spirit of insurrection, it was in fact quite the reverse; and if there were gentlemen who felt for the severity which might be exercised under this law towards those who were guilty of crimes, and who as such were to be its victims, he begged they would also feel for the sufferings of those whom this law was intended to protect, who were by all admitted to be innocent of any offence, whose punishments, if the law did not now pass, would be infinitely more severe than any that could be inflicted upon the most criminal offender. It was a fact not undeserving the consideration of the House, that, at the very moment of these deliberations, the wretched and deluded criminals against whom this law was directed, were looking forward to the time of its expiration as to the time when they might renew their outrages with comparative security. It

was for the House, then, to decide whether they would confirm these expectations; whether they would run the risk of consigning the loyal and peaceful part of the community to the tyranny of the disloyal and the turbulent; or, whether, by granting the powers which were now required, which had been in no instance abused, and which had been admitted by parliament to be requisite for the suppression of the evils which existed, they would restore to the suffering parts of Ireland comparative tranquillity and peace. He well knew that individual character could be no ground to warrant parliament in conferring powers of extraordinary severity; but, admitting the severity of the case, which, he apprehended, was fully established, he might fairly, say that a government that had wisely, moderately, but firmly executed the powers already confided to it, had a strong claim to their renewal. There were those in the House who must know how justly the utmost reliance might be placed in the noble marquis at the head of the affairs of Ireland, and how dearly he was attached to the true principles of freedom; but it was because he knew that in free countries especially, the constitution could dot sometimes be maintained without unusual means and exertions, that he called upon the British parliament to continue the law before the House. He (Mr. G.) asked for no new and untried authority, and he asked it for a period shorter than parliament had ever before granted it in any case of similar danger. He asked it, finally, for the purpose of maturing measures of civil police and internal administration under which he was as willing as any man to allow Ireland ought to be governed. He moved that the Speaker do leave the chair.

Sir *Robert Wilson* said, he considered the present to be a measure which would retard, instead of advancing, the tranquillity of Ireland. Besides, if the House passed this bill without receiving from ministers a guarantee of an investigation into the state of Ireland, then no such investigation would at all take place. When it was found that the causes of any recent conflagration still existed, it became a duty to take such measures as would prevent the operation of those causes in future. He begged leave to disclaim all imputation on the character of the noble marquis now at the head of the Irish government. This was the more necessary, as he was arraigning a measure which might almost be considered as one in which he was personally interested. For that noble marquis he always entertained the greatest respect. He believed him to be a statesman possessed of a most comprehensive mind, and of many splendid qualities. But that consideration in no way removed his objections to the proposed measure, which were founded on the nature of the measure itself, and without any reference to those by whom it was to be put in execution. When the bill was introduced in the early part of the session, it was passed without any previous investigation. That haste had been justified by a reference to suspensions of the Habeas Corpus act in this country, agreed to by parliament with as little preliminary inquiry. But the cases were not parallel; and, if they were, he would say of both measures, that they had been asked for by government in the lust of power, and granted by parliament in the wantonness of confidence. We were in both countries travelling over and over the same dangerous and shameful round—a demand of justice, on the part of the people, invariably met by an act of severity on the part of the governors. The enactments of the bill were tremendous, and were calculated to dissolve all the elements on which social civilization depended. Although 25 years had elapsed since he first knew Ireland, never should he forget the scenes of horror he had then witnessed in that country; never should he forget the tears and howlings of women and children, lamenting the fate of their husbands and fathers, who were sent either as felons to New South Wales, or as conscripts to swell the armies of the king of Prussia. He knew that the calumniators of the Irish would be ready to palliate the conduct of the Irish government, at the time to which he alluded, by saying that brute force was the only *vis medicatrix* for the disorders of Ireland. He would just state one fact which he had himself witnessed, and leave the House to judge how far such an exhibition of cruelty could be conducive to the restoration of tranquillity in any country. He remembered having been in Ireland, when a man against whom no absolute charge was preferred, but was only suspected of being an United Irishman, was apprehended; and when it was thought expedient by the high sheriff to endeavour to obtain from him, by tor-

ture, a confession of his own guilt, as well as an inculpation of others, he remembered seeing that man tied to the scaffold, hung up by the back, another part of his person tied to the calves of his legs, his back excoriated with flogging, and salted, until the whole presented a shocking and undistinguishable mass of bleeding flesh. He (sir R. W.) should not have possessed the feelings of a man if he had not remonstrated with those who were superintending this dreadful barbarity. He did remonstrate. And what was the answer he received? "You know nothing of the Irish. They can be governed only by cats-o'-nine-tails and halters. The drummer and the executioner are the best ministers in this country." Who did not remember the atrocities committed by a magistrate of great authority in another part of Ireland? Against that magistrate various actions were instituted by individuals, on whom he had ordered without cause, the infliction of the most brutal punishment. Among others, Mr Wright, a teacher of French, hearing that Mr. Fitzgerald, high sheriff of Tipperary, had received some charges of a seditious nature against him, waited on Mr. Fitzgerald, who, without investigation, sentenced him to be flogged, and then shot. The unhappy man surrendered his keys to have his papers searched, protesting his innocence. Next day the unhappy man was dragged to a ladder in Clonmell-street, to undergo his sentence. He knelt down in prayer, with his hat before his face. Mr. Fitzgerald came up, dragged his hat from him and trampled on it; seized the man by the hair, dragged him to the earth, cut him across the forehead with his sword, and then had him stripped naked, tied up to the ladder, and ordered him fifty lashes. Major Rial, an officer in the town, came up as the fifty lashes were completed, and asked Mr. Fitzgerald the cause. Mr. F. handed the major a note, written in French, saying he did not himself understand French, though he understood Irish, but he (Major Rial) would find in that letter what would justify him in flogging the scoundrel to death. Major Rial read the letter.—He found it to be a note addressed to the victim, translated in these words:—"Sir, I am extremely sorry I cannot wait on you at the hour appointed, being unavoidably obliged to attend sir Laurence Parsons. Your's, Baron de Clubs." Notwithstanding this translation, which major Rial read to Mr. Fitzgerald, he ordered fifty lashes more to be inflicted, and with such peculiar severity, that the bowels of the victim could be perceived to be convulsed and working through his wounds. Mr. Fitzgerald, finding he could not continue the application of his cat-o'-nine-tails on that part without cutting his way into his body, ordered the waistband of his breeches to be cut open, and 50 more lashes to be inflicted there. He then left the unfortunate man bleeding and suspended while he went to the barracks to demand a file of men to come and shoot him; but being refused by the commanding officer, he came back and sought for a rope to hang him, but could not get one. He then ordered him to be cut down and sent back to prison, where he was confined in a dark small room, with no other furniture than a wretched pallet of straw without covering, and there he remained six or seven days without medical assistance. Nevertheless, a bill of indemnity in favour of the magistrate in question, was introduced into the Irish House of Commons, and passed, amidst the applauses and eulogies of members who, for that act merited a subjection to the severities before the inflictor of which they thus erected a screen. But was that all? No. That very individual was made a colonel in the army, and was sent out to the Mediterranean in the command of a regiment; from which command, however, he was removed in four-and twenty hours after his arrival, by the brave, amiable, and ever-to-be lamented sir Ralph Abercrombie. Motions of inquiry into the causes of the discontents had been frequently made, but uniformly rejected. In the meanwhile, the Insurrection act had been at various periods renewed. Parliament were now called upon to pass it for another year, without any previous investigation of the evils which had been formerly occasioned by its operation. The effect of those evils still manifested itself. The wounds of the body might be healed (although in many cases the sufferer had gone to the tomb), but the wounded spirit remained, and its deep and bitter execrations were yet pouring forth. And, was not that the natural order of things? Was it not in the course of nature, that grievances should produce hatred; that neglect should produce lawlessness; that intolerance should produce impatience and insurrection? The time had, however, come, when we

must change our system in Ireland—when we must endeavour to discover remedies for the evils that for so many centuries had been accumulating in that unhappy country. The first remedy which he should recommend, was to put an end to all those heartburnings, arising out of religious distinctions; for how could that be called a man's country, in which he was not permitted freely to enjoy his full share of civil rights? He knew it would be said, that the House of Commons had done their duty on this subject; and that the impediment arose in another place. But, could any man believe, that if those members of the cabinet, who affected to favour the cause of the Catholics, had exerted themselves with sincerity and earnestness, the question would not have been carried in the other house of parliament by acclamation? Every one knew in what principles the late prince of Wales had been educated, and the subsequent professions of that illustrious personage; and he (sir R. W.) had no doubt, if ministers had acted on the subject of Catholic emancipation honestly and becomingly, that his majesty would have been happy to exclaim with Joseph 2nd.—"Thank God! the influence of fanaticism is about to cease in my empire." Was it not monstrous that between four and five millions of our fellow-subjects should be deprived of their civil rights for following a creed, which they believed, a creed which not long ago our own ancestors believed, and which they abandoned, not from any gradual conviction of its error, but in sudden deference to the will of a cruel tyrant, who had been baffled by the head of the Catholic church in the pursuit of a criminal object? The next remedy he should recommend, was the removal of an evil which had long been a main cause of the discontents and insurrections of Ireland, whatever shape they might have assumed;—the tithe system. The abolition of the present system of tithes, and a new regulation of the revenues of the church, were indispensable. This was a subject with which the legislature had frequently interfered. They had interfered with it in the reigns of Henry the 4th and Henry 5th. In the reign of Henry the 8th, parliament called upon the king to take the administration of the revenues of the church into his own hands. In 1735, the parliament of Ireland passed a resolution relieving pasture land from the payment of tithes. Since the Union, the noble marquis opposite had brought into the imperial parliament a measure exempting pasture land from the payment of tithes. It was idle, therefore, to talk of the inexpediency of any interference on this subject.—The gallant member proceeded to recapitulate from Hume, the history of tithes for some time after their first introduction into England. From the tithes of Ireland her bishops derived the most princely fortunes. While the salary of an English bishop averaged about 3,000*l.* a-year, the total revenue of the Irish archbishops and bishops was no less than 118,000*l.* per annum. But by leases falling in and other means, this hierarchy in reality received much more; and an Irish archbishop had lately died worth 150,000*l.*, although he did not bring a single shilling with him into Ireland. M. Chateaubriand, the champion par excellence in France, of divine right, in church and state, could not defend the consecrated title of tithes, and only lamented over them as "the abolition of a patriarchal tribute the most venerable amongst men—as a broken link which had connected the bounties of the earth with the hopes of heaven, the interests of the priest with the prosperity of the labourer, and the chaunts and canticles of all ages with the flowers and the fruits of all seasons."—The third remedy which he would prescribe for the evils in Ireland, was the education of the lower orders. That was an object at present grossly neglected. It was true that parliament voted every year 18,000*l.* for a Protestant school; 9,000*l.* for a Catholic school. With that inequality he would not quarrel. But what he quarrelled with was, that a grant of 11,000*l.* was voted to an association called the Kildare Association. He was sure that the House intended that the institution should be open for the instruction of the lower orders, whether Catholic or Protestant. But the trustees for the Kildare Association managed the matter in a way utterly subversive of that intention. With a view to remedy, if possible the evils which for five-and-twenty years had oppressed Ireland, and had been a source of embarrassment and peril to the empire at large, he should propose as an amendment to the motion: "That it be an instruction to the committee, that they do investigate the causes of the present distressed state of Ireland, with a view to the adoption of such measures as may be cal-

culated to restore and preserve the tranquillity of the country, and render unnecessary those provisions of extraordinary severity, which are incompatible with the spirit and practice of the British constitution!"

Mr. *Lucius Concannon* urged the immediate necessity of adopting measures calculated to heal the wounds of his native country; and warmly expressed the indignation which he felt at seeing ministers allow month after month to elapse, and calamity after calamity to occur, without any endeavour to arrest the progress of the evil.

Colonel *Davies* said, that although he fully concurred in the indignation expressed against the ministers for their want of exertion to remove the causes of the misery of Ireland, yet as he could not consent, on account of any fault of theirs, to leave the loyal inhabitants of that country exposed to the dagger of the midnight assassin, he should, however reluctantly, vote for the bill. While he made this sacrifice of personal feeling, he might be allowed to ask how the ministers justified themselves for not having, during the session, proposed any measure for the relief of Ireland, except that insufficient measure for the leasing of tithes? One cause of Ireland's misfortunes was, that redundancy of population, which appeared to increase with an accumulated force. That redundancy of population did, in his opinion, produce the moral degradation of Ireland; and, operating on the principle of re-action, that moral degradation had the effect of keeping up the excessive population. The Irish gentlemen were not guiltless in this case, by their practice of multiplying freeholds for election purposes. He should be sorry to narrow the elective franchise; but if leases for life no longer gave a vote in Ireland, the gentry would have a direct interest in diminishing the population on their estates, and of removing the great evil. A heavy responsibility rested on the government, for its conduct towards a country, which, from its natural advantages, might have been a paradise, but which, by mismanagement, had been made a terrestrial hell.

Mr. *Spring Rice* said, that when the act had first been passed, he had never discharged a more painful duty than in giving it his support. If at the time when the Insurrection act had been first proposed this session, ministers had not given an absolute pledge, their declarations and the mode of bringing forward the measure, had created a strong belief that they intended to take immediate steps to remove the real causes of that disorganization and discontent, which they introduced a temporary measure to repress. From the limited duration of the Insurrection act, as at first acceded to by the House, from the rapidity with which it was carried through all its stages, by the suspension even of the standing orders of parliament, from all the circumstances connected with that proceeding, as well as from the speech of the noble mover, every person was led to believe that ministers were determined to reform, or rather to abandon that system under which Ireland had so long suffered; and to remove those irritating causes of discontent which had so long and so lamentably prevailed. Now, what been done? Had measures of conciliation, by which alone those evils could be alleviated, been resorted to? No; a system of coercion alone had been pursued. What boon had Ireland received during the present session? With the exception of the remission of the window-tax, which he admitted to be a great boon, what had been done for that country? The people of Ireland had, under the pressure of actual famine and disease, received some relief from grants made by that House. It was, however, a temporary relief, meant to meet a temporary disease, and did not enter into the general policy of the government of the day. Was, he would ask, the Tithe-leasing bill any effectual remedy for the evils arising out of the present mode of supporting the established church? Could any man who looked on tithes as producing any portion of the discontent which was felt throughout Ireland, consider that bill as any thing like a remedy? With respect to the Police bill, as introduced into the House, so far from doing away the evils complained of, it really aggravated them. The measure as amended was calculated to have a better effect. What, then, had Ireland received, after all the promises held out to her?—A mere measure of police, and an inefficient Tithe bill, calculated less to tranquillize than to irritate. These two measures were surely not such as the legislature should offer for the relief of Ireland. The objections to the passing of the Insurrection act now, were much stronger than at the beginning of the session. In the first place, the hope that

it was only passed to give time for permanent measures of amelioration had not been realised. The people of Ireland had expected remedial measures, ministers held out hopes that such would be introduced, but all had ended in disappointment. In the next place, the dispatches on which it was professedly grounded, would as much warrant a perpetual as a temporary Insurrection act; as in the last page of them that bill was demanded, not for any immediate protection, but to promote "the extension and cultivation of peace and good order." In former cases such a measure had been asked for only as a remedy for an existing evil; but here the recommendation went far beyond that limit, and this most severe measure of coercion was pointed out for the first time as necessary "for the extension and cultivation of peace and good order." He very much doubted the propriety of passing such a law on documents so meagre and jejune as the dispatches now on the table. There was no period at which information of a similar character and nature could not be laid before parliament. The dispatches from lord Whitworth, upon which the measure of 1816 had been founded, had been of a character essentially different. Why were anonymous communications to be laid before parliament, and how could they be depended upon? He, as a magistrate of Ireland, never wished but that his information and his name, when he happened to be in communication with government, should be coupled together. He was anxious to be fairly and publicly responsible for whatever he did in his official capacity. He believed that such would be the feelings of the most respectable magistrates of Ireland. He believed, also, that so far from the people of Ireland feeling any prejudice against a magistrate for performing his duty, they would esteem and respect him, if he administered justice fairly and impartially, however strictly. He was disposed to accede to the act now proposed as a remedy for existing evils; he believed it would be found useful in quieting the disturbed districts. The crime to which it referred was fairly described, and the punishment attached to it was not too great. But he would now, and must ever, protest against the principle which superseded the trial by jury—a principle introduced not only unwisely but unjustly; not only without evidence but against evidence of the most decisive character. If juries had been found either unwilling or unable to do their duty, then, perhaps, he would not blame the legislature for dispensing with the great constitutional principle of jury trial. A measure thus infringing upon the constitutional liberties of the people could only be defended in a case of extreme emergency, when, if the trial by jury were found at a particular period unsafe, it might be suspended. But how stood the case here? Since the disturbance in the county of Limerick, the trial by jury was resorted to. Two special commissions had been held, and he believed one if not both of these commissions was attended by the present attorney-general for Ireland. No jurors could have assembled under circumstances of greater terror and apprehension than prevailed at the period to which he referred. They were assembled under circumstances that might have shaken the resolution even of the most constant and firm-minded men; yet, though placed in this perilous situation, it was impossible for any juries to behave with a more undaunted spirit [Hear!]. He confidently asserted in the hearing of the attorney-general for Ireland, that no men had ever performed a public trust with more undaunted spirit than the juries of Munster at the late special commission (Mr. Plunkett assented). The right hon. gentleman assented. What pretence was there then for abolishing jury trial in similar cases [Hear, hear, hear!]. If the experiment of trial by jury had been attempted under all possible disadvantages, and if it had been found to answer every purpose for which it was originally instituted—that of affording substantial justice—he would turn round and boldly ask parliament, what good reason could be adduced for suspending the great constitutional right of the country? [Hear, hear!]. It was in the power of the magistrates, under this bill, to try the accused party without a jury; it was in their power to extend to the prisoner in the dock, if they pleased, the merciful interposition of a jury; but surely a jury trial should have been the rule, and not the exception [Hear!]. The right hon. gentleman (Mr. Goulburn) had taken care to speak only of the origin of the present insurrection; he seemed to consider the present insurrection as peculiar in its nature and origin, whereas the causes of this and all previous ones were the same. If he looked into the correspondence in the British Museum, he

would find that even in 1640 and 1650, the very same causes which were now spoken of, the mode of letting property, the oppression of the peasantry, and the local impositions, were referred to as the causes of evil in Ireland. If they could pass a measure of fifty times the strength of the Insurrection act, supposing such adamantine legislation were within the power of parliament, it would only skin over the wound, not heal it. When conciliatory measures were called for, the answer was "the house is on fire, first extinguish the flames, and then we may talk of improvement." But how could the legislature be justified, when, for years, the same evils were daily recurring and increasing, without any efficient effort on the part of the government to put an end to them? What had been done for Ireland? Had not an inquiry into the state of that country been refused? Had any thing been done which would conduce to its permanent improvement? When the motion of his right hon. friend (the member for Waterford) for an inquiry had been brought forward, what had been its result? It had been refused; and that refusal had been justified on the ground that the House, in courtesy, ought to wait until they saw what government was about to do. They had waited, and they now saw that government had done nothing, and were not disposed to do any thing effectual. How had the subject of the tithe system been met when that measure had been brought forward by his hon. friend (sir John Newport) in an amendment to the motion of the hon. member for Aberdeen? That motion had been met by carrying the previous question; and this after the strongest declarations of opinion ever made by the individuals most intimately acquainted with Ireland and her real interests. Such was the conduct of the present government. What had been the remedies resorted to by the best and wisest men in times and cases similar to the present? He would read to the House a few words from the recommendation of the celebrated lord Bacon, in which that great philosopher, in speaking of the best mode of rendering Ireland happy and prosperous, thus stated his sentiments:—"The reduction of that country, as well to civility and justice as to obedience and peace, which things, as affairs now stand, I hold to be inseparable, consisteth in four points. —1. The extinguishing the relics of the war." He (Mr. Rice) would call on the government to extinguish the relics of party feelings. The 2nd point was, "the recovery of the hearts of the people." Now, he would ask of the House, and of the members of all past administrations since the Union, whether any one measure had been set on foot, which had for its object "the recovery of the hearts of the people" [Hear, hear!]. The 3rd point was, "the removing of the roots and occasions of new troubles." He demanded of the House, whether the Insurrection act was the true mode of "removing the roots, and occasions of new troubles" [Hear, hear!]. And if the Insurrection act were not likely to have that effect, he would ask, which of the nominally remedial measures that had been introduced of late years was calculated "to remove the roots and occasions of new troubles?" [Hear, hear!]. The 4th point was, "Plantations and buildings." These might not in themselves be applicable to Ireland in her present circumstances; but reasoning by analogy, and looking to the encouragement of her fisheries and manufactures, the principle was perfectly just. Bacon went on to say, that—"Towards the recovery of the hearts of the people there are but three things *in rerum natura*: 1. Religion;" which (observed Mr. Rice) implied the most extensive toleration. 2. "Justice and protection." By this was meant, not only an equal administration of the law, but that it should be equally accessible to all. The 3rd point was—"Obligation and reward." Did these come within the character of the Insurrection act? [Hear, hear!]. On this third head Bacon had expressed himself:—"3. Obligation and reward.—*præmium et pœna*. I am persuaded that if a penny in the pound which hath been spent *in pœna* (for this war is but *pœna*, a chastisement of rebels, without fruit or emolument to the state) had been spent *in præmio*, that is, in rewarding, things had never grown to this extremity." He (Mr. Rice), in quoting the passage relative to justice, did not mean to say, that justice was administered in Ireland with unfairness or partiality; but he was bound to state that a system which would render justice accessible to all did not exist in Ireland. The expense of legal proceedings operated, in many cases, as a denial of justice; and when the poor could not have redress by law, they would undoubtedly seek it by some other means. The consequence resulting from such a system

was, not merely the injustice which one party must unavoidably be subject to. The evil extended farther. The poor, when denied justice by the law, would endeavour to work out a wild and savage kind of justice for themselves; and the want of a legal remedy was, in many instances, the occasion and pretence for serious violations of the peace. This was one cause of the crimes by which that country was too frequently degraded. As an illustration of this part of his argument, the hon. gentleman referred to a case which came within his own knowledge. An individual died, leaving 15*l.* or 20*l.* to certain persons. The executor got possession of the property, and the legatees, to whom he refused to deliver it up, proceeded against him in the Assistant Barrister's court. When the cause came on to be heard, the assistant barrister stated, that he had no jurisdiction with respect to legacies, and the plaintiffs were nonsuited. They then got an engagement from the executor to pay the demand, and on this engagement they again sued him in the Assistant Barrister's court: but the same objection was taken, and successfully taken. What did they then do? They proceeded criminally against the party, and turned into a breach of the peace that which was, in fact, a civil question. It was a common thing, as the hon. member for Mayo (Mr. Browne) had formerly stated, when any dispute arose about the tenure of lands, to break the peace, and lay an information for the purpose of deciding, in the shape of a criminal question, that which the law did not enable them to set at rest in any other way. The legislature had done away with wager of battle in this country; but the Stamp act, sanctioned and upheld by the gentlemen opposite, had indirectly encouraged it in Ireland. [A laugh.] When his right hon. friend (Mr. Grant) had, on a former occasion, called on the landlords of Ireland to provide better habitation and more enlarged comforts for their tenants, he forgot that their good wishes had always been opposed by the gentlemen belonging to his majesty's Treasury. Ireland had always met a formidable antagonist in the person of the chancellor of the exchequer for the time being. Whatever might have been done for the lower orders of that country was rendered of no avail by the counteracting influence of the right hon. gentleman who presided over the taxation of the country. How did the case stand? What encouragement did the people generally receive? If they built a house, it must be with taxed timber; if they enjoyed the light and air of heaven, it must be through taxed windows; if they wished to enjoy the warmth of a fire, it must be at a taxed hearth. If they were desirous of drinking any liquor stronger than water, they could only indulge themselves by paying a tax. Now, what effect had this system of severe taxation produced? He would prove that in proportion as taxes were increased, crime also increased—and, *vice versa*. If they looked to the number of convictions in criminal cases, as compared with the rise and fall of duties on malt and spirits, they would find this proportion clearly established:—

	Criminal Convictions.		Duty. Malt.	Spirits.
In 1815 there were	771	...	14*s.* 0*d.*	5*s.* 6*d.*
1816 - - -	907	...	17	
1817 - - -	532	...	17	
1818 - - -	499	...	9	
1819 - - -	531	...	14	
1820 - - -	723	..	14	

From this it appeared, that whenever there was a decrease in the duty on malt and spirits, there was also a decrease in crime. The hon. gentleman then proceeded to animadvert on the prevalence of illicit distillation in Ireland; and demanded how could country gentlemen enforce the law against others, when they were themselves but two often in the habit of using spirits illegally manufactured; and encouraging their tenants in habitual violations of the law. It was impossible that government could put down distillation in Ireland, until, by lowering the duties, they removed the temptation to commit the offence. In agreeing, however, with the limitations he had stated to the passing of the bill, he did not rely altogether on his own opinion. The magistrates of the county of Limerick had solicited a renewal of the bill, although they wished to see an alteration in the mode of trial. He thought that an opinion coming from such a quarter was entitled to great consideration. It was, therefore, from a wish to promote an inquiry into the state of Ireland, and not from any wish to oppose the bill itself, that he should give his vote for the amendment.

Mr. Secretary *Peel* said, that in every instance of conviction under the Insurrection act, the same consideration had been given, as would have been bestowed upon

it had it occurred under the ordinary jurisdiction of the laws. The highest credit was due to the lord lieutenant, for the manner in which he had uniformly exercised the prerogative of mercy. He denied that the conduct of the government of Ireland had justified the gentlemen opposite in stating, that the suspension of the Habeas Corpus act was demanded from a lust of power. The hon. member for Limerick, objected to the re-enactment of the Insurrection act, because no inquiry had been made into the state of Ireland; but had that House shown any reluctance to inquire into the three great subjects of Catholic emancipation, tithes, and education? The minute attention which had been given to the subject of illicit distillation was another proof that Irish affairs were not neglected in that House. With respect to the scarcity of food now existing in that country, it was a subject of great delicacy and difficulty, and one in which government could never interfere, before great partial distress had arisen. Would it have been wise in government to prevent, by a premature interposition, that exhibition of public benevolence which had gone so far to alleviate the existing distress. With regard to tithes, every pledge which had been given by his noble friend at the commencement of the session had been fully redeemed. The hon. and gallant member had quoted a passage from a French writer, on this subject, which he (Mr. Peel) professed himself wholly unable to understand. This writer talked of "uniting the chaunts and canticles of all times with the fruits and flowers of all seasons." [A laugh.] The right hon. gentleman concluded by supporting the motion, and by protesting against any modification of the Insurrection act as calculated to produce all the evils of an unconstitutional measure without any of the advantages which would arise from the present measure.

Mr. *J. Smith* said, that nothing but a system of coercion had been pursued in the government of Ireland for the last two centuries; and what had been the fruits of that system?—insurrection and rebellion. He would put it to the House whether, during all that period, any fair attempt had been made to redress the real grievances of Ireland? The cause of the greatest evils in that country was, that the occupiers of land were made responsible for rents which could not be met by any industry or fair ingenuity. It was not in the power of that House to remedy this; but it was in the power of government to mitigate the evil. The measure now under consideration was hostile to every moral feeling. It required the father to inform against the son, and the son against the father, or made them liable to the same penalties. This was contrary to every principle of good feeling and moral duty. He could not but regard the Catholic question as one fruitful source of the miseries which afflicted Ireland. Many years back a consideration of the tithe question had been promised; but such a consideration parliament certainly had not yet gone into. One simple fact upon the subject was sufficient. Perhaps there were in Ireland 700,000 Protestants; all the remainder of the population being followers of the Catholic faith. The revenue of the church in that country was larger in proportion than those in any other country of Europe; and the mass of that revenue was exacted from persons who had no interest or feeling in the system which they so maintained. He firmly believed that a fair independent income might be given to the clergy of Ireland, and yet the bulk of the population be relieved from the oppressive system of tithes; and, some time or other, measures to that effect must be adopted.

Sir *J. Newport* was not prepared to take upon himself the responsibility of opposing the present measure, under the circumstances upon which it was demanded; but he thought that its continuance ought to be limited to the 1st of May next. He trusted, however, that no farther prolongation of the law would be found requisite; for heavy would be the evil of teaching Ireland to believe that, in spite of all the promises held out to her at the Union, she was still to remain the victim of penal statutes. Forty three years had now elapsed since one of the greatest lawyers and statesmen of his country, the lord chief baron Burgh, speaking of the situation, as to penal laws, of Ireland, had said, "penalty, punishment, and Ireland, are synonymous, and they are written on the margin of her statute-book in letters of blood." If the Irish were alienated from the laws under which they lived, to what cause but to a defective government could that alienation be ascribed? He did say that ministers had not done their duty towards Ireland. He had the highest respect for the noble person at the head of the Irish go-

vernment; but his confidence in no man should prevent him from speaking where he thought negligence was apparent. If the lord lieutenant was new, the cabinet was not new. The noble marquis opposite of all men was bound to seek a remedy for the distresses of Ireland; for it was under his auspices that she had lost her independent legislature. He regretted to see that from some of the statements on the table of the House, the measure wore more the appearance of a permanent measure than any of the former Insurrection acts. They alluded to a sort of moral improvement which was to grow out of it. Now the measure was, in its whole nature and tendency, not moral but coercive; and he would tell the House, that for any purpose of moral improvement, coercive measures would not be effectual.

Mr. *Plunkett* said, he considered the present measure as a lamentable evil, which could only be justified by the extreme necessity of the case. As a permanent measure he should not merely deprecate it, but consider it as amounting to an extinction of the constitution of Ireland; and in that light he knew it was viewed by the noble marquis at the head of the government of that country. If he thought for a moment that the passing of the present measure was to supersede the necessity of measures of amelioration, he would be the last man to consent even to its temporary enactment. That there was no indisposition in the legislature to apply itself to such objects, would be evident to all who looked at the past and present condition of Ireland. If any country in the world had made greater progress in civilization during the last half century than another, that country was Ireland. Let hon. members recollect the time when Ireland had truly been the victim of penal laws. Let them remember those statutes which, as chief baron Burgh forcibly expressed it, "had visited the Catholic in his cradle, and accompanied him to his grave." Those laws were now no more. Was that nothing done for the country? Thirty-eight years ago Ireland stood destitute alike of commercial advantage and constitutional privilege. Were the rights, the laws, the free trade, which had been given to her, nothing? And had there been any indisposition on the part of government to the granting of those immunities? Upon the question of emancipation, different opinions were entertained. For himself, he confessed he thought it the prime measure for the salvation of Ireland; but those were no true friends to the success of that measure, who said—"give us emancipation, or we will not give you the means of securing the tranquillity of the country." He felt the importance of emancipation as a political measure, but he did not believe that it had a jot to do with the troubles which at present were agitating Ireland. The wretched people who were in arms against the government of the country would pay no more regard to emancipation if it were presented to them, than they would pay to that elegant passage which the gallant member who spoke second in the debate had supposed to have some reference to the subject before the House. He agreed that it was the duty of government to originate their own measures, and not to look to gentlemen on the other side; but with respect to tithes in Ireland, government had originated its measure. It was true that gentlemen opposite treated the measure as ineffective and unsatisfactory; but the answer of government was, "It is the best measure which, under the circumstances, we have been able to bring forward." If hon. gentlemen disliked that measure, government was entitled to say—"Propose to us another, and we will take it into consideration." Government had done the best which it could do. It was not disposed to take up principles which some honourable members were desirous of adopting. The hon. member who treated the rights of the church as different from the rights of the land-owner, and thought that government had a right to resume the property of the church whenever it was expedient, had introduced a principle which put an end to the safety of property altogether. The principle which that hon. member was desirous of applying to the rights of the church, some one else would apply to the property of the land-owner; a third would carry it to the rights of the fund-holder; and a fourth to every species of private property. If hon. gentlemen knew the state of the country a little more intimately, they would not object to the present measure. There never was in any country pretending to civilization, a more rigorous system of despotism than that exercised by those miscreants, the leaders of the disaffected. The murders and other crimes and cruelties, of which they were either the direct

perpetrators, or the cause, were horrible. Their object, undeniably, was, to possess themselves of the whole landed property of the country. From his official situation, he had access to know, that when the Insurrection act was in force, crimes were restrained, and when that act was not in force, they broke out. The act was very similar to that which he had proposed in 1807, during the lieutenancy of the duke of Bedford. He had that morning received a communication from the crown solicitor of the county of Cork, informing him that a great part of the law expenses for that county arose from its having to maintain in its gaol a hundred persons, not criminals, but witnesses, who sought security there from the terrorists who desolated the country. The communication likewise added, that one of them who had relinquished the protection afforded him, had fallen a victim to the vengeance of those infuriated wretches.

Mr. *Grattan* wished the bill to be limited to the 1st of May. He trusted the House would feel it its duty to make a serious inquiry into the state of Ireland.

The House divided: For the original motion, 135; For sir R. Wilson's amendment, 17.

List of the Minority.

Barrett, S. M.	Nugent, lord
Bennet, hon. H. G.	Palmer, C. F.
Concannon, L.	Ricardo, D.
Cradock, S.	Robarts, Col.
Fitzgerald, lord W.	Stewart, W.
Hume, J.	Whitbread, S. C.
Hutchinson, hon. C. H.	Williams, J.
Maberly, John	TELLERS.
Monk, J. B.	Wilson, sir R.
Moore, P.	Smith, J.

The House went into the committee, in which a division took place on sir J. Newport's motion, for limiting the duration of the bill to the 1st of May, instead of the 1st of August: For sir J. Newport's motion, 37. Against it, 94.

List of the Minority.

Brown, D.	Glenorchy, vis.
Barrett, S. M.	Grattan, J.
Bankes, H.	Hume, J.
Bernal, R.	Hutchinson, hon. C. H.
Brougham, H.	Hamilton, lord A.
Concannon L.	Hill, lord A.
Cradock, S.	Kingsborough, lord
Calvert, C.	Langston, J.
Calcraft, J.	Lamb, hon G.
Fitzgerald, lord W.	Monck, J. P.
Grant, J. P.	Martin, J.
Maberly, J.	Robarts, Col.
Marjoribanks, S.	Rice, T. S.
Newport, hon. sir J.	Robinson, sir G.
Nugent, lord	Stewart, W.
Palmer, C. F.	Wilson, sir R.
Parnell, sir H.	Williams J.
Prittie, hon. F.	Wood, alderman
Powlett, hon. W.	TELLER.
Ricardo, D.	Davies, col.

HOUSE OF COMMONS.

Tuesday, July 9.

BREACH OF PRIVILEGE—COMPLAINT AGAINST MR. HOPE AND MR. MENZIES.] Mr. *W. Courtenay* rose, to bring under the notice of the House two recent publications, to which he considered it necessary to call their very serious attention. The House would recollect that some little time ago, an hon. member (Mr. Abercromby) called for a parliamentary inquiry into the conduct of the lord advocate of Scotland in relation to the public press of that country. In the course of the debate on that occasion, the hon. member was under the necessity of taking upon himself the disagreeable part of an accuser. Disagreeable as that office must have been to the feelings of the hon. member, it would not be doubted that he was then discharging one of the most important functions which a member of the House of Commons could exercise. Any thing, therefore, which interfered with the free exercise of such a function must be considered as a breach of the privileges of that House. In the course of the observations which the hon. and learned gentleman had made on the evening alluded to, he was called upon to make some remarks on the conduct of certain persons connected with public employments in Scotland. Those remarks appeared to have elicited the particular comments of which he (Mr. C.) was now speaking from the parties concerned; and to the publications in which they were contained, it was his wish to call the attention of the House. He held in his hand a pamphlet, entitled "A Letter to the hon. James Abercromby, by John Hope." Mr. Hope appeared to be one of the individuals on whose proceedings the hon. member had thought it requisite to make some reflections. Now, throughout the letter, that sort of spirit was visible, which, when applied to words spoken by an hon. member in the conscientious discharge of his duty within these walls, did appear a most open and daring viola-

tion of the privileges of parliament. The passages were of a nature to provoke feelings of hostility, and to bring the writer into direct personal altercation and contact with the individual to whom they were addressed. That such was the manifest tendency of this publication, he thought the House would at once agree with him. He would read one or two passages only, which appeared to him to be couched in the most improper, and even gross, language. The letter of Mr. Hope began by describing the occasion out of which it had arisen; it spoke of the reports which had appeared of the hon. gentleman's speech, and then expressed the opinion of the writer that those reports were correct. The writer then addressed himself to the hon. member, assuming him to be the undoubted speaker of the speech so reported, and afterwards expressed himself thus: "On the gross injustice to the defendants, resulting from this perversion of the privileges of parliamentary discussion, in order to aid the private action of a political associate, and to prepossess and prejudice the minds of the public, from whom the jury must afterwards be selected, it is needless to enlarge." With the hon. gentleman whose speech was thus attacked, he was in no way politically associated; but on whatever side of the House a man might happen to vote, if his speech was delivered as the conscientious expression of his sentiments, it was the bounden duty of that House to prohibit the application to it of language amounting to a charge of perverting the privileges of parliament to the most base and unworthy motives. There were other passages in the same letter of much the same character. One of these passages was to this effect: "Upon what grounds you and sir James Mackintosh have proceeded in the attack which you have severally made upon me, for supposed conduct, as a counsel in a private and depending action, I have no means of exactly ascertaining. It is very possible that the wilful misrepresentation of others may have induced you to *think yourselves safe* in the grounds of that attack. But (whatever was the nature of your information)—that the circumstances in question have been anxiously, or at least hastily, and therefore unwarrantably, seized hold of, for the purpose of imputing my official conduct to flagitious motives, cannot be denied. Whether you truly believed the statements which you were so forward and ready to make, is a question I cannot permit myself to ask. The injustice, illiberality, and intemperance of the comments, with which these statements were accompanied, you cannot now dispute."* He was convinced that the hon. and learned member himself was the only person in that House who would oppose the course which he (Mr. C.) was now pursuing. But, much as he respected his hon. and learned friend, he did not feel that parliament ought to consult his wishes upon such an occasion: they were bound to preserve their character and dignity, and to see that their most important privileges were preserved inviolate. The pamphlet went on to impute to his hon. and learned friend the having made an attack upon the writer, knowing it to be totally unfounded. How could they boast of the freedom of debate, if any act of public duty was to be followed up by such attacks as those contained in this pamphlet. He had now stated the case of Mr. Hope's letter: but there was another matter so connected with the letter, that he thought it necessary to bring it before the House. In the Courier newspaper of the preceding evening, there had appeared a letter from a Mr. Menzies, an advocate, addressed to the same hon. member, and which letter would seem to have been sent with a comment to the editor of that print. The letter purported to come from Mr. Menzies; and the comment was in these words: "In what you put forth as a fair report of Mr. Abercromby's speech, improper motives were by very strong inuendo and implication attributed to me. Such imputations I regard with the most perfect scorn; and I have now shown that, whoever was the real author of them, they were altogether unwarranted, groundless, and false." He should wish the House well to consider the spirit and language of these two publications. To him it appeared that they formed a part of that fatal system which had of late been manifesting itself in this country, and which it was high time the House should effectually put down. He thought they would concur with him in thinking that the object of both these publications was, to make a personal quarrel grow out of the discharge of a most painful and unpleasant duty, which a member of that House had thought proper to undertake. He should first put in the papers, the most objectionable passages of which he had himself marked, and then move a re-

solution, that the marked passages which the papers so put in contained, amounted to a breach of the privileges of that House.

The said printed Letter, and the said newspaper, were delivered in at the table; and certain passages in the said printed Letter were read. After which, Mr. Courtenay moved, "That the said printed Letter is in breach of the privileges of this House."

The Marquis of *Londonderry* observed, that in some instances the House had at once voted the paper complained of to be a breach of privilege, but in other cases it had postponed coming to a decision till a future day.

The *Speaker* was aware that both courses had frequently been taken; but he believed the course taken when it was a constructive breach of privilege, differed from that which had been pursued where the breach was positive and distinct. The question now was whether there had been a comment, and what were the terms in which that comment was couched. If there had been a comment at all, there was an end to the question about breach of privilege.

Mr. *Wynn* agreed that the contents of the paper, which had not been read, had no relation to the question then before the House; but as the passages which had been read might be mitigated or aggravated by the other parts of the documents, it was desirable that the House should be put in possession of the whole. In the case of Mr. Reeves the whole of a long pamphlet had been read at the table. This, however, was inconvenient, as the attention of the House could not be so fixed on the article while reading, as to make them fully acquainted with it, and therefore he thought the better course was, to postpone the further consideration of the subject till to-morrow.

Mr. *Tierney* was decidedly of opinion that the extracts in question were a gross breach of privilege. If, however, any hon. member thought that reading the whole pamphlet might have the effect of mitigating the rigour of the House, he ought to have it read.

Mr. *Wynn* said, that in the case of Mr. Hobhouse, the consideration of the subject had been adjourned for a day. That course he thought it would be desirable to pursue now.

The *Speaker* was aware that a great variety of precedents were to be found, and that two very different courses had frequently been pursued. One way was to decide that the writing charged was a breach of their privileges, and then call the party to the bar to admit or deny that he was the author: the other was, before deciding whether or not a breach of their privileges had been committed, to call on the author of a paper brought before them to defend or explain it, as in some cases it was thought this might influence their decision on the question, whether or not a breach of privilege had been committed. But in a case where their proceedings had been commented on, it mattered not what the terms were in which it had been so commented on. The interference with their deliberations was in itself a breach of privilege, and no explanation at the bar could alter the decision on that point, though it might materially affect the proceedings consequent upon it. Under these circumstances it was for them to consider whether they would suspend their decision in a case where there could be no doubt of a breach of privilege having been committed.

The Marquis of *Londonderry* thought the House would come to a decision of the subject with more advantage after having considered the papers during an interval. But he thought it might in the meanwhile, be proper for the House to desire the hon. member to attend in his place forthwith, and to require of him a pledge that no personal consequences would ensue upon this matter.

Mr. *Tierney* agreed with the noble lord, that the House ought to order the attendance of its member in his place, and that no time should be lost in doing so. He of course knew nothing of what was passing, but he owned he spoke with great anxiety of mind, from the feelings of friendship which he entertained for one of the parties. He implored the House therefore, unless they entertained some reasonable doubt as to the breach of privilege, not to hesitate in coming to a decision on that point; as they would thereby lead the way to that other step, which was so indispensably necessary, in order to prevent the occurrence of serious consequences.

Mr. *Wynn* said, he should move for the attendance of the hon. member forthwith; but, in the mean time, he thought the whole of the documents ought to be read.

Lord *Binning* contended that the whole

of the documents ought to be read before the House came to a decision. The House ought not to come to a precipitate vote against absent parties.

Mr. *Brougham* could not avoid viewing these papers, in the first instance, as a breach of privilege. Incidental to the main question, another circumstance claimed their attention, the chance of immediate personal altercation. But the question before them was, whether or not a breach of their privileges had been committed? The circumstances to which he had alluded would only operate as a reason for proceeding with all possible dispatch. There was a material difference between this case and that of Mr. Hobhouse. The circumstances attending the latter case might have been indecorous, and might have been justly resented by that House; but it did not amount to that direct and immediate obstruction which an attack upon individual members of that House, particularly an attack upon a single member for discharging his parliamentary duty, was calculated to accomplish. All cases of libels upon that House might be construed to amount to an obstruction; but there was a striking and manifest distinction between those general cases and cases like that under consideration, which was nothing more nor less than a direct personal attack upon a member of parliament for discharging his duty. The House would see the paramount necessity of proceeding with effect and without delay. The first step was to declare that the conduct of the individual amounted to a breach of privilege. The next duty was, to take immediate steps to bring the party before the House. The House was in the habit of calling upon members in cases of personal difference, and enforcing pledges that no farther steps should be taken by them; but in those cases the offence was committed in the presence of the House; the House was competent to form a judgment upon it, and to act upon that judgment. An hon. member had on one occasion overheard certain words that had passed between two members in the lobby; he informed the House of the circumstance, and both gentlemen were called before the House. But in these cases neither party had cause to complain of the decision—both were present, and justice was done between them. Now, he begged the House to see the situation in which his hon. and learned friend was placed. The motion really might be considered a motion against his hon. and learned friend. He was a member of that House; and they were bound, whilst they vindicated their privileges, to deal as lightly as possible with him; yet, without coming to any vote as to the breach of privilege which had been committed, without stigmatizing the conduct of the person guilty of that breach of privilege, without doing any thing against the wrong doer, the House called upon the party who had not offended—upon their own member—to attend in his place, with a view of placing restrictions upon him, whilst the other party was suffered to go at large. In his opinion, that was a course of proceeding which ought not to be adopted, unless under apprehensions of immediate mischief; and not then, unless where both parties were called before them. The most regular, and the most parliamentary course was, to pronounce the publication a breach of privilege. Whatever step should be taken, he hoped would be unanimously adopted. The House was bound to do so, if it were only to express its determination to put down a system which had been acted on in some cases, and which threatened to tear up by the roots every vestige of parliamentary privilege. There was no shadow of comparison between any attack, however gross and indecent, upon that House in its corporate capacity, and an attack upon an individual member, singled out by a party for the performance of his public duty, that party countenanced and supported by another party, whom he (the member) felt it his duty, as it were, to put upon trial. Members of that House would be found ready to do their duty in spite of the general attacks which were, and which might be, made upon the House in its collective capacity; but, if an individual was to be singled out by a party, with whom, in the fair discharge of his duty, he came in contact, he did not see how gentlemen could be found fearlessly to discharge their public duty, more especially the most invidious part of it.

Mr. *Wynn* fully concurred in all that had fallen from the learned gentleman. Among the most sacred and important duties which the House owed not only to itself, but to the country, was that of preventing, by every means in its power, the practice of making members responsible for words spoken within its walls. That course, in a case like the present, was the best, which met with the most

general concurrence. He would therefore withdraw his motion.

The question, "That the said printed Letter is in breach of the privileges of this House," was then agreed to, *nem. con.*

Mr. *Wynn* said, they must now adjourn the farther consideration of the subject, or make an order for the printers to attend, in order to get at the authors.

The *Speaker* thought it would be better to order the printers to attend, and then adjourn the further consideration of the subject till to-morrow.

Lord *Binning* said, that one of the printers lived in Edinburgh.

Mr. *Tierney* said, that seven or eight days must elapse before the printer could attend, and supposing the session to terminate before the author was brought up, Mr. Abercromby would be bound by the order of the House, while the other party would be at liberty to act as they pleased. Could any one doubt that Mr. John Hope was the author of the letter. If there was no doubt on the subject, perhaps the noble lord opposite could vouch for the fact, and in that case it would not be improper to order at once Mr. John Hope to attend the House.

Lord *Binning* said, he had certainly not the smallest doubt that the letter in question was written by Mr. Hope. He was perfectly convinced that Mr. Hope would avow the letter at their bar, and he hoped the House would act on this statement.

It was then ordered, "That John Hope esq. do attend this House on the 17th instant." Also "That the hon. James Abercromby do attend this House in his place forthwith." Then the letter addressed to the editor of "The Courier" newspaper was read, and, after a short conversation, it was resolved, *nem. con.* "That the said letter is in breach of the privileges of this House;" and William Menzies, esq. was ordered to attend the House on the 17th instant.—In the course of the evening, the serjeant at arms informed the House, that Samuel Spiller, the messenger who had been sent to serve the order of the House on Mr. Abercromby, was in attendance: Whereupon he was called in; and, being examined by Mr. Speaker, stated that he had carried the said order to Mr. Abercromby's house in New-street, Spring Gardens, where he was informed that Mr. Abercromby left home this afternoon at 2 o'clock, for ten days, and that he was believed to have taken the road for Scotland.

HOUSE OF LORDS.

Wednesday, July 10.

Corn Importation Bill.] On the order of the day for the third reading of this bill,

The Earl of *Lauderdale* said, he wished their lordships to pause before they passed a measure of so much importance. He took a view of the operation of the existing act, and contended that instead of providing a *minimum* protection price, it had established a *maximum*. He complained of the inconsistency of the noble lords opposite in now turning against their own measure, and read a passage from a speech of the earl of Liverpool, in which the noble earl expressed an opinion, that the Corn bill having passed, no alteration ought to be made in the system. In this opinion he also coincided, and therefore could not give his support to the present measure. He objected particularly to the time at which it was proposed, and thought it would be injurious to legislate prospectively. He would therefore move, "That the bill be read a third time this day three months."

The Earl of *Harrowby* conceived, that he was giving more effect to the existing act, by remedying the defects which it contained, and vindicated ministers from the charge of having abandoned the principles which they had formerly professed. It was better to legislate now, than to wait till prices should rise, and the public mind grow full of anxiety and alarm. He contended, that the bill would prove advantageous to the British farmer, by preventing unlimited importation whenever corn should rise above the protection price. He was not one of those who wished that the price of corn should reach 80*s*., for it would produce a corresponding rise in the price of provisions; and as all evils were attended with some compensation, so the present low price of provisions had proved beneficial to our manufactures.

Lord *Erskine* said, it was cruel to turn upon the agriculturists, and tell them that they had not suffered from the change in the currency, and that they would be as well protected with 70*s*. as they had been with 80*s*.

Earl *Grosvenor* said, that when he found the bill petitioned against by the whole agricultural body, he could not consider

it as a measure of relief to them. He thought it was favourable to every other interest save that of agriculture. There was no necessity whatever for legislating at present upon the subject. Why, therefore, should there be any objection to delay?

Lord *Redesdale* maintained that every bill founded on the principle of averages was founded on a wrong principle, as the average prices returned were not the true prices. But even if those prices were correct, he should object to the time at which the present bill was brought in. He should prefer throwing the ports open to the importation of foreign corn, with such a duty as would enable the British farmer to meet it in the market.

The Earl of *Carnarvon* contended, that a great protecting duty was necessary, in consequence of the alteration in prices produced by the change in the currency. He thought the present bill preferable to the act already in existence, though both were founded on erroneous data.

The House divided: Contents, 32; Not-contents, 16. The bill was then passed.

PROTESTS AGAINST THE CORN IMPORTATION BILL.] The following Protests were entered on the Journals:

"Dissentient:—Because this bill repeals the regulations as enacted by the 55th of George 3rd, chapter 26, whereby, after long and minute examination into the state of the agriculture of the United Kingdom, it was by Parliament provided, as necessary to afford to agriculture a degree of protection equal to what the law gives to other branches of industry, that wheat from abroad should not be exposed to sale till the price in our markets amounted to 80*s.*; and at a time when it is admitted that foreign wheat can be imported at 35*s.* a quarter, it enacts that the foreign grower shall in future be admitted to a competition with our farmers when wheat is at 70*s.* a quarter, on paying a duty of 17*s.* for the first three months, and afterwards of 12*s.* till it rises to 80*s.*

"Under this bill, therefore, the farmer will not only be deprived of the monopoly he enjoyed in the home market, till wheat attained the price of 80*s.* the quarter, but he will be exposed when it is at 70*s.* to a competition with the foreign grower, whose wheat, value 35*s.*, may, on paying the duty of 17*s.*, be brought into our market at 52*s.* per quarter, and after the ports have been open for three months may be sold at 47*s.*, as it will then only bear a duty of 12*s.*

"That these regulations are ruinous to the agricultural interest cannot be doubted. The petitions on the table of this House, in the strongest terms deprecating the proposed alteration in the law, sufficiently display the opinion of those whose habits give them practical knowledge on the subject; whilst the committee themselves, from whom the proposal emanated, by disclaiming all intention of rendering worse the present condition of the British cultivation, and proposing, as the bill enacts, that the 55th of the late king should remain in force till wheat rises to 80*s.* a quarter, have clearly avowed their opinion that the bill, when it takes effect, must prove injurious to the agricultural interest.

"It is to me, therefore, a subject of deep regret, when the distress of the British cultivator is so feelingly described in the numerous petitions on our table, that this House should enact a regulation which, though it is only to take place at a future period, cannot but produce immediate discontent: for to me it appears that every sense of political discretion, and every feeling that actuates a generous mind, must unite in pointing out, that the moment in which the legislature is unwillingly compelled to avow its incapacity to devise any means of present relief for the distressed farmer, is the time of all others in which it ought to avoid announcing a future injury to his despairing mind. LAUDERDALE."

"DISSENTIENT:—Because the act of the 55th of the late king, chapter 26, which is partially repealed by this bill, was brought into parliament by his majesty's ministers to remove the admitted impolicy of unlimited importations of foreign grain; and 80*s.* per quarter for our own wheat (and other grain in proportion) was with the greatest deliberation adopted as the lowest price in our markets which could sustain foreign competition, under which, therefore, it was enacted that our ports should be shut.

"Because, from an obvious defect in that act, whenever wheat in our markets rose to 80*s.* per quarter (other grain in proportion), importation was left free and unlimited, by which the protecting standard immediately ceased to be protective; as foreign wheat might then generally, as now, be imported at about 32*s.* per quar-

ter, and to any extent; thereby manifestly enabling jobbers and speculators to under-sell British growers, weighed down since the late war with a pressure of taxation never before known or heard of in the world.

"Because, this defect in the act of the 55th of the late king soon became the subject of universal complaint, three millions and a half quarters of foreign grain having come free into our ports, and at very low prices, before their being shut in February, 1819, to the great depression of our markets ever since.

"Because the prices of grain from this and other causes having ceased to be remunerative, many petitions were presented to his majesty's ministers, and to both Houses of Parliament, praying for relief in this respect; and thereupon a committee was appointed to consider the justice of their complaints.

"Because such committee, as appears by its report in a former session of parliament, having pronounced that agriculturists of every description were consuming their capitals without any present or expected returns which could be remunerative, the House of Commons directed its inquiries to be renewed in the present session, for the express and only purpose of originating some further relief from the ruinous depression of our markets.

"Because the House of Commons, therefore, in the consideration of this subject, had no other duty cast upon it by the whole course of its own proceedings but to attend impartially to the universal complaints throughout the country, which unanimously attributed the distresses to the undue and impolitic opening of the ports under the existing law, without a reasonable and fixed protecting duty, not liable to be defeated by fraudulent averages, nor disturbed by perpetual fluctuations, when the ports were open or shut at the adopted standard.

"Because, it was therefore with equal surprise and regret that I read this bill when it was brought before us, which ought to have been instantly rejected, since it passes by altogether the complaints of the petitioners, which its authors have professed all along to act upon and to relieve; and although the superabundance of supplies over the demands on our markets had been declared by his majesty's ministers to be the grievances, yet this bill unaccountably adds to them, without measure or mercy, by leaving the ports open at 70*s.*, though before shut until 80*s.*, and by letting loose the bonded grain at the lower standard, though now in the country to a great amount, and without any protecting duty; because, when it is notorious that foreign wheat (other grain in proportion) may be generally imported at about 35*s.* per quarter, a duty 17*s.*, which, when added, amounts to 52*s.* only, cannot in common sense or common honesty, be considered as any security to the British grower.

"Because, to insist nevertheless that this injurious change in the existing law is a great advantage to those whom it professes to relieve, though against their own universal voice, as expressed without a single exception by all the petitions upon our table, is to maintain an opinion, which, however honestly and ably supported, may be considered by the sufferers to be as unfounded as it appears to me to be absurd.

"Because, from the great preponderance in the representation of other classes over the landed interest in the House of Commons, the petitioners who have laid their calamitous condition before us naturally looked up to this House for constitutional support. The Statute book is filled with almost innumerable acts for the protection of our manufactures and commerce by duties and prohibitions, whilst the security of landed property has been wholly neglected. Indeed, when I contemplate this sudden invasion of the 55th of the late king, at the very moment when its protecting provisions ought manifestly to have been extended, it seems to me as if a course of experiments was on foot by philosophical theorists to ascertain under what accumulated pressure of unequal taxation, and unequal competition with untaxed countries, the impoverished cultivators of our soil can possibly continue to exist. ERSKINE."

HOUSE OF COMMONS.

Wednesday, July 10.

POOR LAWS.] Mr. *Nolan* addressed the House to the effect following:*

Mr. Speaker; in bringing forward a measure for amending those laws which peculiarly respect the Poor, I beg to assure the House, that no one feels the complicated

* From the original edition, printed for J. Butterworth.

difficulties of the undertaking more than I do. Any attempt which is to interfere with the habits, the manners, and daily subsistence of the most helpless and improvident of our fellow subjects, requires no ordinary carefulness and caution. It has to embrace in one comprehensive system of provision and regulation the most numerous and least tractable, because the least informed, classes of society. It must labour to reconcile and provide for the diversified, and in many respects conflicting, interests of districts, not less separated from each other by difference of manners than by distance: not more distinguishable by their sources of industry, than by their local peculiarities. It must struggle to unite such measures as are indispensable for the general safety with those which are urged by humanity, for the protection of the forlorn and the destitute.

Sir, when I reflect upon these and many other difficulties which surround the task I have taken upon myself, I must acknowledge that I almost repent me of my own temerity. That feeling presses more deeply on my mind, when I consider the many great and distinguished persons who have taken up the subject with much original ardour, and have finally relinquished it; often without attempting any thing, and rarely having effected much for the cure of mischiefs, which it is much more easy to discover, than to devise any safe and practicable remedy to remove.—But, however painful, laborious, difficult, or ungracious the task may be, the time is come when the House must resolve to encounter this most important subject, and grapple with all its intricacies and perplexities. That the poor-laws, as they are now administered, operate injuriously and oppressively to the best and most immediate interests of the country, none will deny, with whom it would not be a waste of time to dispute. The petitions on your table, and what I may call the universal cry of the public, proclaim the mischief and demand a remedy. If doubts lurk in any rational mind upon this point, a reference to the useful labours and painful researches of the different committees of this House upon the subject of the poor-laws, and the various returns made under the orders of this House, must dispel and remove them. With your leave, Sir, and that of the House, I will shortly refer to a few of those facts which bear more immediately upon the subject. It appears by the population returns laid upon your table this session, that the population of Great Britain and Ireland, exclusive of the islands in the British seas, amounted, in the year 1821, to 21,236,636; that of England and Scotland being 14,379,677, that of Ireland no less than 6,846,942; that the increase of population in England, between that time and the census taken in 1811, is 18 per cent, that the surplus upon the census of 1801, is 32½ per cent; and that the mesne increase of England, Wales and Scotland, between 1801 and 1821, a period of no more than 20 years, has been no less than 31⅔ per cent. The late returns of Irish population refer to the census of 1813, as the first regular return on the subject, so that the increase cannot be so accurately estimated; but supplying the deficiencies in the last return by reasonable inference from the earlier documents, the population of that country appears to have augmented in rather a more accelerated ratio than that of either Scotland, Wales, or England. That some, and perhaps a considerable portion, of this great apparent increase arises from the inaccuracies of the former census, I believe to be the fact; but making every reasonable allowance and deduction upon this account, it is manifest that the general population of the United Kingdom has much augmented. It is to be observed, that this increase is by no means fluctuating or occasional. It is not to be referred to any local or temporary cause: our numbers have swelled in a steady and uniformly accelerating ratio in every county and city that has made returns, and that without such an influence from the poor rates as some of our most ingenious theorists have not irrationally conjectured to be necessary for producing it. I draw this inference from the facts, that the population of Scotland, where the relief afforded the poor is very limited, has augmented in a ratio of only two and a seventh per cent less than England, where the numbers have so enormously multiplied; while that of Ireland, where the poor-laws are altogether unknown, exceeds that of either in its proportionate increase.

If the demand for labour has increased in the same proportion with the increase of population in England and Wales, it is the most decisive proof of our accumulating prosperity and power. If, on the other hand, the number of hands exceeds the natural demand for labour, the surplus

labourers with their families are reduced to idle consumers, and become a heavy drain upon the capital of this country through the means of her poor-rates. Neither, when we are considering the balance between the quantum of labour, and the demand for it with reference to the poor-rates, should the increase of labourers in Scotland and Ireland be struck from the account. The unemployed surplus, and often more than that surplus, will naturally migrate from these poorer countries, where there is no protection against want by poor-rates, into England, where the prices of labour, and particularly of the coarser kinds are higher than at home. If a superabundance of labour exists here, such an influx must increase it. If the number of competitors exceeds the natural demand for their labour, and thereby depresses its price beyond the true value, that depression compels the English labourer to have recourse to the poor-rates, and thus the emigrant Irish or Scotsman indirectly augments those funds, from which, as the law now stands, he can derive no support.

Sir, I have hazarded these remarks because the rise in our rates is attributed by some to this increased population. The observations are not to be overlooked in considering this subject. But whether correctly applicable or otherwise, we may turn from them to the more directly conclusive facts, that the poor-rates between 1750 and 1821 have increased in the proportion of above ten to one. That the number of persons receiving relief in the year 1818, either as permanent or occasional paupers, as calculated upon the census of 1811, was no less than 9¼ in every hundred, or nearly one in every ten of the entire population; and that the aggregate amount of our annual poor-rates in 1821, as well as those of the immediately preceding years, were almost one-seventh of the total annual income arising from the landed revenue, calculated upon the return made in 1815: a return which is much higher than any that could now be made under the existing circumstances of agricultural depression and distress*.

It is impossible to look upon a mischief spreading thus widely, uniformly, and irresistibly, without a degree of terror bordering on dismay. Its result, if not counteracted speedily and manfully, must reduce the entire country to the condition in which four Sussex parishes † have represented themselves in their recent return to be, a condition to which I fear some other parishes seem fast approaching. For if the poor-rate swallow up the entire profits of the lands, they will be rendered not worth cultivation, as yielding neither gain to the landlord, nor advantage to his tenant. A crisis the more to be apprehended, because every diminution of the occupier's profit reduces his ability to employ the labouring poor, and thus creates an additional necessity for an increased rate upon whatever little remains.

That some remedy must be applied to averting the impending calamity seems uni-

* The average amount of the money raised and expended for the use of the poor in 1750, was 689,971*l.*; in 1816-17, 6,918,217*l.*; in 1817-18, 7,890,148*l.*; being an increase beyond the preceding year of 971,931*l.* This was the highest annual amount of the poor-rates yet known. Since then they have gradually declined as follows:

1818-19,	£.7,531,650	an. decrease,	£.358,498
1819-20,	7,329,594	ditto	202,056
1820-21,	6,958,445	ditto	371,149

Total decrease in last three years, 931,703

But the average increase of the poor-rates calculating upon each three years from March 1812, to March 1821, is

March 1812	to March 1815,	£.6,129,844
1815	 1818,	6,844,290
Increase from 1815 to 1818		714,446
1818	 1821,	7,273,229
Increase from 1818 to 1821		428,939

The entire of these reports, by the committees on this subject, are worthy of the general attention. It is to be hoped that they will be continued annually, and upon enlarged principles of inquiry.

† See the return of the poor-rates and population in these parishes. Northiam, near half the population paupers, rates at 1*l.* 11*s.* 6*d.* in the pound. Salehurst, half the population paupers, rates 16*s.* 9*d.* in the pound. Dewash, more than half the population paupers, rates 11*s.* 2*d.* in the pound. May-field, half population paupers, rates 14*s.* in the pound. Not having the means of inquiry, I can only suspect that some, and possibly a considerable part of these enormous rates arises from the mischievous practice of paying some portion of the labourer's wages with part of the rates.

versally agreed. Some persons, and they are not a few, seeing nothing in the system but its mischief, and disgusted with its practical and pressing evils, propose to eradicate altogether that code of laws, which has for between two and three centuries, regulated the support of the poor, and to sweep away, either immediately or at no very remote period, the laws of parochial removal, settlements, and poor-rates. Sir, I must avow that I want courage to adopt such a bold, violent, and precipitous measure; to me it would afford the most strong and serious grounds for alarm. It is seldom wise or statesmanlike to root out at once laws, however originally misconceived, which have become identified with the habits and manners of the country. A system under which nearly two millions of the people of England have been lodged and clothed and fed, must not at one single pull be so unceremoniously overturned. Little less than eight millions of money are divided annually among the people, their wives, and their children, from the poor-rates. To pluck such large means of subsistence, as it were, from the very mouths of the poor without affording them ample time for supplying it from other resources, would be cruel, if it were safe; and would be most unwise, as it would be most dangerous—I say most dangerous, as it must arouse the strongest feelings of nature against our civil tranquillity, and give to popular commotion the colour of necessary resistance against wanton oppression. These reasons would deter me from such schemes and efforts, if I were satisfied that these laws had been mischievous in their original institution, and repugnant to the sound principles of civil economy.

But, upon the best consideration I can give the question, and I do not speak without having reflected much upon it, I must say, that the poor-laws, when administered in their original spirit, appear to me more likely to produce benefit than disadvantage to the people. There is little doubt, that the artificers, peasants, and all the lower classes of this country, have increased more rapidly in mechanical skill, in useful knowledge, and also in the comforts and decencies of social life, than those of any other country in civilized Europe. The peasantry of all European nations may be considered as having made their start together towards civil improvement and importance somewhat more early than the reign of our Elizabeth. If there existed any perceptible distinction in their respective conditions in different states, those of England could not boast the advantage of any relative pre-eminence. Yet, in this race of civil refinement, they have ultimately outstripped all their rivals. The connexion of this effect with the existence of the poor-laws appears more striking by comparing the condition of humble life in England with that which obtains in Scotland and in Ireland. They all live under the same constitutional law—receive the influence of the same governing system—enjoy the same freedom, and may boast, that the upper ranks of life in all assimilate as much as possible to each other in knowledge, manners, arts, and civilization. Yet the general condition of the English labourer excels that of the Scotch, where these laws are adopted under a very limited modification, and far outstrips that of the Irish, where they are wholly unknown.

Sir, I am far from wishing to push this conclusion beyond its fair limits. Much less do I entertain the idle conjecture, that the present distressed and degraded state of Ireland is altogether owing to the want of poor-laws. To that most melancholy effect many complicated causes, which may be traced to a remote date, undoubtedly co-operate. But there are some calamities which have recently fallen on that fine country which a moderate poor-rate might have averted. In 1816 the potatoe crop failed, and the people must have starved if the government had not stepped forward to succour them. In the present year, the same misfortune occurred, and the failure of one single kind of food would have brought down famine and pestilence on the people, in the midst of abundance of every other article of consumption, if they had not been averted (if they are averted), by the noble and generous efforts of the people of this country, aided by no inconsiderable exertions of their own gentry, and by a prudent and cautious assistance from his majesty's government. If some provision must be made against such occasional visitations, I prefer that of a moderate parochial rate, to one which is to be furnished by the king's government. If any thing like general recourse should be had to that indiscriminating mode of showering down relief, I know of no prudence that could place either fine or period to its progress: there would be neither means of control, nor motives for economy.

The re-action which takes place in this country, and causes a demand for labour from an effort to avoid the increase of poor-rates, could not exist, and there would be no end to application until the fund that was to supply the cravings of the people was totally consumed. I do not offer these remarks as wishing to introduce this system into Ireland in the present state of society, but to demonstrate the policy and expediency of continuing it in this country where it has so long existed *. Founded upon these reasons, and others with which it would be inconvenient to exhaust the House's patience, my design is, not to destroy the existing system for relieving the poor, but to restore and bring it back, so far as the existing grades and habits of society will admit, to the true spirit of the statute passed in the 43rd year of the reign of queen Elizabeth.

Previous to pointing out the means by which I propose to effect this object, it may not be improper to draw the attention of the House to the more prominent and general causes to which the progressive increase of these rates is attributed; to explain the law as it originally stood under the act of Elizabeth; and specify the leading efforts which have been made by the legislature to amend or alter it. Upon this last subject, the House will not fail to remark, that our ancestors, faithful to the genius and spirit of our legislation in this as in every other instance, have uniformly endeavoured rather to amend and improve, than to repeal and destroy, the original enactments.—Of most of these causes of our increasing rates, it is merely my purpose to bring them before the House for its consideration, rather than to comment upon their operation and extent. Some of them are of a nature altogether occasional: such are those which originated in the want of employment of the manufacturing classes at the termination of the war, and which are now fortunately at an end; and that arising from the melancholy extent of our agricultural distress, which still continues to exhaust and oppress the country. With these is to be classed an evil deeply felt in some districts, as the resulting consequence from both the former; I mean the great number of removals of persons who became chargeable to a certain extent, from their inability to procure a sufficiency of work or wages to maintain them and their families, and who were on that account removed back to their places of settlement, where they could procure neither. For occasional demands upon the charity and capital of the country, from causes like these, against which the poor have not means nor foresight to provide, there does not seem any reasonable prospect of devising an efficient remedy. With them may be ranked one more permanent, but likewise local and peculiar, I mean that over breeding, if I may so speak, for particular callings and trades, which is the usual consequence of a relative excess of wages in different manufactures, and of that natural predilection which parents feel to educate their children to the business in which they have themselves been trained up. Unless the demand for the manufactured article increases with the increase of manufacturers, all must abate in wages, and some be kept out of employment. The evil is nourished by the inherent ambition of all ranks in the advanced stages of social refinement to push themselves upwards; and it unfortunately happens, that those bitter lessons of inconvenience

* The foundation of the system for occasionally sustaining the laborious classes by poor-rates seems referable to the following principles. The price of labour must always constitute the chief source of the labourer's support. As far as that price depends upon actual value, it must be regulated by the demand, and what the employer can afford to give, looking to a beneficial return for it. But, the labourer must also take into consideration how far the price of labour is sufficient to purchase subsistence for himself and his family. These from necessary causes, must ultimately find their level, and balance each other. But occasional fluctuations from accidental causes, such as a fall in foreign markets, failure of crops, &c. must occasionally occur. The price of labour will always fall immediately with the decline of the employer's profit; but although it must ultimately rise with it, the rise is not equally prompt. For times of occasional dearth and disability, the labourer ought in strictness to provide, by saving from his surplus earnings in more abundant seasons; but, unfortunately, the labourer is seldom a saver, and is no good husbander of superabundant means. It is against these occasional periods and fits of distress that the poor fund seems intended to provide, and constitutes a useful provision.

which ultimately work the cure of each individual excess, operate too slowly and remotely to prevent its recurrence in other casts of employment and pursuits of life. To a certain extent, therefore, we must always calculate that this cause of distress will be locally and partially felt.—A more extensive, and infinitely more alarming one, if it really exists, is that to which I have already called the House's attention; namely, a general excess in the quantity of labour beyond the demand for it, owing to an excessive increase of our population. If this evil does gain ground upon us, it is beyond the reach of redress from any alteration in our system of maintaining the poor; neither the spade husbandry, nor parish farms, nor any other palliatives, of ancient or modern device, will do. The only effectual remedy will be found in the encouragement of some system of colonization, a subject to which I shall hereafter refer.

But, Sir, it appears to me, that the true cause of our malady lies chiefly in the mal-administration of the poor-laws; which, from being originally wise and useful, have been recently perverted into an instrument the most pernicious and destructive to the independence of the lower classes of society, and thereby to the general prosperity of the country. That some causes must operate beyond the increasing wants of the poor and impotent to produce the increase of rates, seems demonstrable from the fact, that in their rise and fall they keep no corresponding pace with the existence or decline of those causes, with which the wants of the labouring classes are most obviously connected. They have augmented progressively since the year 1750, during the most flourishing periods of the empire, and with the general growth of our wealth, our commerce, and our manufactures. The price of corn and other provisions has affected this increase but little. The fluctuations in the demand for labour have produced occasional, but scarcely perceptible changes in the comparative scale. In all counties and in all districts, in England and in Wales, in the north and in the south; in all cities, towns and places, whether the population be agricultural, manufacturing, or commercial, the rates augment, and the demands of the poor accumulate. Although the nominal price of food and raiment has fallen by our return to a metallic currency—although the real value of every article of the first necessity has diminished by their abundance and plenteous increase—notwithstanding the restoration of employment to our manufacturers, the reanimation of our commerce, and the recent aid of a new and more prudent mode of administering the parish funds, the rates have not declined so much in the last three years as they increased in the single year from March, 1817, to March, 1818—a more striking and conclusive evidence that the evil originates from mismanagement, arises from the observation, that it has yielded to the activity, energy, and vigilance of public spirited parishioners, in those places where they have superintended the administration of the fund with a sober, temperate, and steady regard to economy. Some instances of the effect of this attention are to be found in the evidence reported by your committees; some have occurred within my own personal observation; and many more have been stated to me upon the most credible report.

Having thus detailed some of the causes of our present condition, I proceed to give a short account of the law, as it is to be traced in the statute books. The 43rd of Elizabeth projected the means of support for the impotent poor, and of educating the young; but it neither provided for, nor conceived, a general state of the labouring poor such as now exists. The churchwardens and three or four substantial householders annually appointed, were fully adequate to that species of parochial duty, assigned to them by the act. But those who made it, never contemplated that persons selected solely for their substance should become the daily task-masters of the parish, and supply work and materials to all who, from laziness or indolence, or any other cause, were unable to procure the one or the other. In directing that the poor should be set at work, the act intended rather a measure of salutary police, than one of local general employment as a means of subsistence.

But, in whatever light that act is to be viewed, it is clear that its present uses have far outgrown the machinery devised for effecting its original purposes. Persons usually selected for overseers can neither spare time nor forethought from the urgent calls of their own affairs to superintend the domestic economy and supply the various wants, or check the unreasonable claims, of a large and active, and, in many instances, a cunning and vicious population. Hence their expen-

ditures have necessarily been lavish and inconsiderate; their method of levying and collecting the parish funds careless, irregular, and slovenly; and their manner of keeping their accounts inaccurate and confused. A loss from neglecting their private affairs being individually felt, is carefully avoided; but the consequences of mismanaging the parish concerns are overlooked in the feeling that an injury is trifling which is shared among many. Thus negligence and inattention do much mischief, but ignorance and inexperience produce more: almost before the overseer has acquired some insight into the duties of his office his year terminates, and he yields his place to a successor as raw and ignorant as he himself had been when originally appointed.

Neither, Sir, are the lavish and improvident squanderings of the parish property to be exclusively attributed to this local deficiency in its management. I regret to say, that the notions and principles commonly taken up and followed by magistrates, in making orders of relief, operate a much more wide and permanent mischief. The power of ordering relief vested in a single magistrate, residing near the dwelling of the poor man, who requires it, is attended with much utility. It seems in theory to be impregnable to reasonable objection; yet in practice it has been attended with no small disadvantage. Its greatest and cardinal inconvenience is, that a single justice is unable to bear up against the clamour of his neighbours, and unwilling to hazard their good opinion by a steady rejection of a specious, but unwarranted application. One or two justices yield to the hardship of the individual case, instead of adhering to some universal, inflexible, steady principle, in administering the law of relief. They do not reflect, that it would be much more wise, and even more humane as a general rule of conduct, to make the particular case bend to the general law, than to force the general law to bend to the individual case.

Where indigence is entitled to extraordinary commiseration from peculiar hardship in its circumstances the sufferers may and ought to call for the gratifying exercise of private benevolence. But such instances furnish no sound apology for departing from those general rules which ought to govern the distribution of a common fund. It is in truth, at best, but an indulgence of private feelings at the public expense. The natural and necessary consequence of this practice has been, that the special circumstances which warped the judgment in making the original order are speedily forgotten, while the extent and nature of the relief is noted and remembered; and thus, that which in its origin constituted a humane exception, becomes registered as a governing rule, from which it is deemed unwise and scarcely safe to depart. These principles have caused much inconsiderate and injudicious interference with workhouse relief and discipline, and, indeed, every species of parochial management. It was held to be the duty of parish officers to search out work for the pauper, who was thereby discharged from the obvious duty of procuring it for himself. Unless they were so fortunate as to obtain what he might be too lazy to seek for, he was to be adjudged entitled not merely to a sufficiency to sustain himself and his family, but to be placed in an equal, if not in a better situation, than the meritorious, considerate, and, I may add, high-minded labourer, who maintains himself and his family by the produce of his hard and honest labour. It was further held by many, under an erroneous interpretation of the law, that this work must be found within the boundary of the individual's settlement. Although work could be obtained nearer to the poor man's dwelling, yet, if in another parish, it was thought from some reference to the statutes of Charles 2nd, that he could not be compelled to go to it, and must be supported, and amply supported, by his own. The inevitable effect of such indiscriminate and wild prodigality of relief has been; as it must be from the nature of man, and woman also; to remove and put away from the minds of the lower classes, those feelings and habits of sober, prudent, domestic economy and frugality, which peculiarly and honourably distinguished the wise and provident manners of their ancestors. That foresight with which heaven has blessed mankind to provide against the accidents of life, and the accustomed recurrence of distressful times and seasons, is dismissed as a useless and teasing quality by the pauper, to whom it is indifferent, whether he comes to the justice or the overseer, fuming from the ale-house, or fresh from a country excursion, or reeking in the effects of the most laborious toil, if, like a parish annuitant, he is entitled to

demand and receive equal relief, without distinction or inquiry, whether his wants are owing to his vices or his misfortunes.

Sir, I appeal to the experience of all who hear me, whether this picture of putting the hand into our neighbours' pockets to relieve others, is overcharged in truth or colouring. That the public, and, as I trust, the great body of the magistracy, if not now, will soon be alive to the impolicy and illegality of this mode of administering relief, I hope and believe. Many have doubted, and not without grave authority to support their opinion, whether the distressed and impotent poor are entitled to any assistance from the public as a matter of common right. Lord Holt is reported to have said, when speaking of casual poor, that unless relieved by private charity, they must starve. Sir, to me this notion appears erroneous. The necessitous poor are entitled to some relief; but it is of the most stinted and penurious kind. According to the language of Horne's Mirror of Justices, which is the oldest authority, it is limited to such relief, as may prevent their dying from want of sustenance. Or, to use the language of an act of Henry 8th, to such as may prevent them begging from very necessity. But neither these laws, nor that of Elizabeth, nor any interpretation put upon them by our ancestors, ever considered or supposed, that the poor man, without work, was to live with his family a co-rival in comfort and respectability with the honest provident labourer who derived his support from his personal industry. I am happy to acknowledge, that the giving of relief through those improvident mistakes and errors to which I refer, originated from the most benevolent and excellent feelings and motives. But I have to do with their consequences, not with the motives from which they arise. The vice and danger of the age, and particularly of this country at this moment, is that the most hazardous and unwise projects and practices are obtruded upon the public mind, graced with virtuous intentions, and recommended by honest but mistaken motives.

Sir, the result has been an increase of the poor to an unnatural, unwholesome, and ruinous extent. Scarcely less than one in every ten of our entire population are either permanent or occasional paupers. A poll-tax little short of 17*s.* per head is levied to sustain them. The sum wanted for the really necessitous poor, except in periods of national calamity, must always bear nearly the same ratio to our population. Any fluctuation from temporary causes ought, as it depends upon them, to be commensurate with them. A decrease in the demand for labour, or a rise in the price of provisions, should naturally produce a corresponding advance in the rates; and, on the other hand, a sudden and unusual demand for labour, and the cheapness of provisions, ought to cause a proportionate reduction. But the rise and fall in the rates seem never to have been materially affected by either class of causes. Since the year 1750 the price of labour, as well as of provisions, has undergone material variations both as to increase and diminution. But the poor-rates have been constantly progressing in an increasing ratio. The prices of labour, and of different kinds of labour, have differed much in different districts, and that without producing a corresponding alteration in the prices of food or clothing. Yet it appears by the returns on your table, that the applications for relief are nearly as numerous and as profuse, and certainly not less proportionably increasing in all. The manufacturer in a productive trade, whose wages are high, comes, as boldly for relief, and receives it almost as readily, and not less abundantly, than the labourer whose wages in this period of agricultural distress are much too low.

Sir, although these evils and mischiefs have arrived to a crisis at this time, it is not to be denied, that they were felt and complained of, at much more early periods; even as far back, if not farther back, than the reign of Charles 2nd. I shall shortly detain the House by a brief reference to those measures enacted by our predecessors to avert those evils of which they partially felt the effect, without anticipating their full extent. The first general measure was passed in the reign of Charles 2nd. Its provisions were much extended in that of William 3rd, and enabled the poor to seek employment in other places than those of their settlement, by the means and under the protection of certificates of settlement. One object of the certificate was, to guard against the dangers of vagrancy, of which our ancestors felt a wise and politic dread. Another, and more immediate one, was, to allow the bearer to migrate with his family into another district, and to prevent his removal from thence, by an en-

gagement, that the parish receiving him should be protected from any burthensome consequence incident to his residence there. The measure may be presumed to have had practically some beneficial effect, as it was the object of legislative care, down to the 12th of Anne, c. 18. But the consequences of entailing families, as it were by record, upon parishes granting certificates, made parish officers reluctant to give them; and the provision of 35 Geo. 3rd c. 101, by preventing removal until the party becomes actually chargeable, rendered them unnecessary. The result of which is, that certificates have grown almost, if not entirely, out of use.

The next general measure was introduced by 9 Geo. 1. c. 7, which provided for the maintenance of the poor in work-houses, and imposed a wise restraint on the grant of relief by magistrates. Under that act no justice could order relief until application had been previously made either to the parishioners in vestry, or to two overseers. The provisions respecting workhouses still continue in force, and have undergone some subsequent statutory regulations. As it is not my purpose to intermeddle with them, I shall merely observe, that the mode of managing the poor by these means was materially affected by the discretionary power subsequently given to justices to order relief to the poor at their own homes without a right of appeal.

The next alteration was introduced by the 22nd Geo. 3rd c. 83, usually known by the name of Mr. Gilbert's act. It enabled parishes and other places to unite and incorporate for the purpose of jointly maintaining their poor. By this plan the relief and management of the poor was vested in a more compact and permanent body than the parish overseers created by the 43rd Elizabeth. It took away also, to a great extent, the right of interference and control which justices possessed by former laws over the relief and management of the poor. Of its practical effects with reference to any comparative diminution of expenditure, no documents are furnished which enable me to form any thing like a correct opinion. It may be rationally conjectured, that neither that act, nor any of the various local ones, have kept down the rates to the extent calculated by their respective projectors. For those provisions by which they were limited to a definite amount have all, some how or other, been got rid of. Of their comparative effects upon the manners, morals, and population of the districts subject to such peculiar regulations, I have also no certain means of judging. But as with the House's leave it is not my purpose to intermeddle with these local systems farther than to extend to them certain powers for employing the poor in common with other parishes, I shall hazard no farther observation, than that they appear to carry the imperfections of the work-house plan to a more mischievous, because to a much wider extent.—Looking as I do upon the moral habits of the country to be the chief object of our guardianship and solicitude, I cannot view without much distrust and jealousy, institutions which bring together large bodies of people who have no common tie of union, except those of necessity and misfortune. The honest and the dissolute, the industrious and the idle, the young and the old, of either sex, are driven to shelter together in the same receptacle, with small means for their classification. Sir, I will not condemn such institutions, for I have no evidence to warrant me in so doing; but, sensible as I am that the example and contagion of vice are more prevalent than that of virtue, I can neither approve nor uphold them.

The next important alteration was introduced by the 35th Geo. 3rd c. 101, which prevented the removal of the poor until actually chargeable. The consequences of this enactment might give rise to much discussion; but I will content myself with making one observation, which refers to all these acts. That observation is, that in all times, and under all circumstances, the legislature has never thought either of repealing the 43rd of Elizabeth or the acts respecting removals; but has laboured to fortify the principle, and improve the administration of these laws, without destroying either.

I hasten now, Sir, to that valuable and important act passed in the 59th year of his late majesty. It was founded upon the patient, laborious, and indefatigable researches and inquiries of the committee, of which the right hon. member for Christ-church (Mr. S. Bourne) was chairman. Sir, if that gentleman had persevered in his efforts on this subject, I should have preferred to have become the humble assistant of his labours, rather than to have brought forward an original measure of my own. That statute gives a

power to parishes assembled in vestry to repose the general care and management of what concerns the poor in a limited number of their own body, to be called a select vestry. The obvious purpose of the provision was, to confide the trust in the most judicious and capable inhabitants, whose number should be too small to be liable to the confusion inseparable from crowded meetings, and yet sufficient to enable them to execute their duties alternately without personal inconvenience, and to press their proposals upon their fellow-parishioners with that efficient influence which is attached to numbers and to respectability of station. The act likewise gave to all places separately maintaining their own poor, the power of appointing one or more assistant overseers, with a salary. Under this provision, parishes were enabled to procure and pay (which they could not before do) a person competent to the duties of relieving and attending to the wants and condition of the poor, by a weekly, or, if necessary, by a daily superintendance. A less obvious, but not less important result, is, that it enables parishioners of a higher capacity and condition to undertake the office, when the more laborious part of the official functions may rest with their salaried assistant; while the general and more important duties of control and superintendance remain with themselves.

These measures were well calculated to bring home as far as it is necessary, the discipline and regulation of a workhouse to the pauper's cottage, stripped of its moral dangers. They have been considered as being so wisely calculated to improve the old laws, that out of the total number of districts maintaining their poor, being 14,700, no fewer than 2,006 have already chosen select vestries, and 2,257 have appointed assistant overseers. But as the law now stands, the election of the assistant overseer, the amount of his salary, and the specification of his duties, rest with the parishioners at large. The danger of the selection of this most important officer under the influence of intrigue and cabal, the obvious propriety that those who are to superintend the parish concerns should become responsible for an efficient appointment, and that those should specify the duties, the discharge of which is to operate in relief of their own gratuitous labour, seem to require some alteration in these respects. I have therefore prepared a clause to vest these powers in the select vestry, instead of the parishioners at large. It must also happen that as a populous and extended district may require more than one assistant overseer, so the time of a person fitted for the office may be only partially occupied in a small parish, and his salary be too small to recompense him for devoting himself entirely to this arduous employment as a means of livelihood. I shall therefore propose, that the same person may be appointed by two or more neighbouring parishes to this office. Undoubtedly this may be effected under the existing law; but to guard against the possibility of abuse, I propose to limit the appointment to parishes within the distance of five miles from each other, and subject to the approbation of the petty sessions, by whom all such appointments must now be formally made.

As the law now stands, select vestries are to superintend the collection and administration of the poor-rates. and the overseers are required to conform to their directions in these respects, as well as in what relates to the relief and management of the poor; but no power is given to the vestry, either to fix the amount of the assessments, or to prescribe the time at and for which such rates shall be made. This power is so obviously connected with their present duties of directing and controlling the expenditure, that I almost hazard the conjecture that the omission to give it has proceeded from mistake. I have framed a clause to supply what I regard as an obvious defect.—The present law also gives to the select vestry a power to take into its consideration the character and conduct of the person applying for relief, and to distinguish in that relief between the deserving and the idle, the extravagant, and profligate poor. This provision is, in truth, the first effectual attempt to bring us back to the original scope and spirit of the 43rd of Elizabeth. It seems to me to be in substance rather a declaration of the law than a new enactment. But I am persuaded, that in whatever light it is to be viewed in this respect, the House will feel, that the regulation is not only salutary and expedient, but absolutely essential; for some wise and temperate distinction between the sober and industrious but unfortunate poor, and those who are idle, lazy, and dissolute, must become the very corner stone of whatever reforma-

tion we meditate. The operation of the statute is now confined to the person applying for relief. I propose to extend the inquiry and regulation to all persons constituting the same family. The head of a family is, during the minority of its subordinate members, morally responsible for its education and conduct. Their common means of support are applied, and regulated by him, even where it is not altogether provided by him. It is thus impossible to disconnect in practice the effect of relief which, though nominally given to one, is actually shared by all. It seems reasonable, therefore, that these inquiries should include the entire family. I have also thought, that it may be expedient to give the same power to parish officers in general, which is now confined by the act to select vestries and justices, when making orders of relief in those particular cases which are pointed out by the statute.

If a select vestry is judiciously appointed, any foreign interference with their management of the poor will be generally mischievous, and always displeasing. The 59th Geo. 3rd seems to have adopted this principle, when it made the concurrence of at least two magistrates necessary for an order of relief, made upon the ground, that what was offered by the select vestry was inadequate to the real wants of the pauper. It occurs to me, that the expediency of having all orders for relief made upon some fixed and certain rule, requires that this provision should be extended farther. I shall propose, therefore, to render the concurrence of no less than three justices necessary to such an order; and I will freely own, that I should have made that of a larger number essential, if the condition of the magistracy as to numbers in many, and more particularly in the northern and Welch counties would have admitted it.

Thus far, Sir, the provisions of the intended bill are grounded upon those of 59 Geo. 3rd. The remaining clauses, although new in their provisions, proceed upon a principle acknowledged and admitted under every construction and interpretation of 43 Eliz. It is, that the indigent pauper is bound to repay by his labour what he receives in the sustenance of himself and his family; and that he who asks for relief must submit to work. It is my design, therefore, to propose that the same power which is given to guardians and visitors by 22 Geo. 3rd shall be extended to select vestries and to parish officers; namely, that of hiring out the poor to work while they do not procure it for themselves. I propose to extend the limit within which such employment may be obtained to any distance not exceeding ten miles from the pauper's dwelling.

To carry this measure into effect, as well as those with which it is my intention to follow it up, for the purpose of urging the labour of the indigent poor into channels most likely to afford compensation to their parish, a thorough acquaintance with their state and condition, with the amount of their expenditure, and the resources for employing them, are indispensably necessary. To obtain this desirable object, I design to propose that the churchwardens and overseers of every parish shall prepare and make up two weekly lists of persons receiving parish relief: one, of the impotent poor, who are incapable of sustaining themselves by their labour; the other, of those able-bodied persons, who receive relief because the wages received for their labour are insufficient to support them and their families. Both lists are to contain the names, the ages, and the occupations of each pauper, and of their respective families, as well as the causes for relieving them. They are to be signed at the end of each week not only by one or more of the parish officers, but by the pauper, who is thereby to attest their correctness, in so far as respects his individual case. A summary of these lists is to be made up and returned quarterly to the justices at their petty sessions, at which not only the parish officers, but the surveyors of highways, and the contractors for public works, within a certain distance from each parish, are to be required to attend. Upon these highways and public works, all able-bodied persons receiving relief are to be compelled to work, at the discretion of the justices, after a full consideration of the utility of such employment, with reference to the public benefit as well as the particular interest of each parish. The wages of such labour, as also of that where paupers are hired out to private individuals, are to be paid as the parish officers shall desire; either to the pauper, or to the parish officers, to be by them applied in repayment of what may be expended for his support, and that of his wife and children, where they deem it expedient to withdraw that charge from the improvident individual,

and take it upon themselves. From this employment, if judiciously applied to the most useful of public undertakings, that of making good roads, I am sanguine enough to anticipate much beneficial result; perhaps, ultimately to diminish the heavy burthens now levied on the country by the numerous turnpike trusts.

Sir, I farther propose, that a general summary of these quarterly accounts shall be laid annually before the petty sessions, and that whenever the select vestry, the parish officers, or any number of inhabitants, rated in the aggregate to the amount of 50*l.* shall require it, those able-bodied males, who have received three month's relief in the preceding year, for themselves or their families; and all who have attained the age of eighteen, and were supported by parish relief for three years of their minority, either as part of their parent's family or otherwise, shall be selected and included in one list; that their names shall be arranged in numerical order by the justices, upon consideration of each individual's case; and that from this list persons shall be returned to serve in the militia for the parish, without ballot, according to the order in which they stand in the list.

Of the right to call upon these persons to repay those who have fed and clothed them, by becoming militia substitutes for the parish, and thus relieving their benefactors from a heavy personal burthen, there can be no doubt: of its expediency there will, I trust, be as little. It will ease the rated parishioner from the expense of providing substitutes, which, though trifling in times of peace, is considerable in those of war. To serve in the constitutional force of the country is not degrading, and ought not to be distressing to any one, as we are all equally subject to these laws. But so far as it shall be thought a hardship, it may have a most salutary effect both for the poor and the country. It will make those heads of families, who feel aversion to the service, either on their own account, or on that of their children, pause before they apply for parish relief. It may induce them and their employers also to pause before they give or take lower wages than the fair value of their service. It will then be no longer a question of indifference to the poor man, whether his wages are to be made up to him from the poor rates, or taken from his master's pocket. Sir, if it will have the effect of checking the practice of employing the poor as rounds-men, it will prove not less beneficial to the labouring poor than to the rated parishioner.

But, as this list is not to be made up, except when the parish by its application show it to be necessary, so no person is to be compelled to serve without every possible precaution that he shall not be improperly called upon. Cases of sickness are to be excepted. The list is to be annually revised by the magistrates. The names of persons are to be erased, who pay back a certain portion of what they have received from the parish; and their respective places in the list may be changed by the justices, so as to retard or accelerate their being returned to serve, upon proper application and due consideration of each party's conduct and character, and his exertions for the support of his family during the preceding year.—If these lists are regularly kept, and I shall introduce such regulations and forms as appear to me best calculated to ensure their being so, a farther advantage will follow. They will lay the foundation for such accurate returns of the state and condition of the poor being regularly made to this House, as must enable it to probe the evil to the core, and by discovering where the disease lies, supply the legislature with means to devise more effectual remedies, if those which I now suggest should prove insufficient.

The only remaining measure which I intend to propose for regulating the dependant poor, is one upon which I have thought much, and consulted many experienced persons. I do not wish to conceal from the House that I have felt much repugnance to bringing it forward, and that in doing so, I sacrifice my personal feelings to a sense of duty, and the conviction that it will prove beneficial. By 8 and 9 W. 3rd c. 30, all poor persons receiving parish relief were compelled to wear badges. The indiscriminate application of a distinction which pointed out poverty as an object of shame and reproach, was considered to be a measure of severe, if not of cruel discipline. Hence it nearly fell into desuetude, as it were, by public consent, before it was actually repealed, by 50 Geo. 3rd c. 52. But though this mark may be harsh and oppressive to many there are some to whom the application of it will be eminently useful, and the apprehension that it can be so applied may prove not less useful to many more.

There exist in most parishes a set of spongers upon the parish funds, whom nothing can entice into any exertion for themselves or their families; persons to whom a workhouse has no terrors, who dissipate their means in debauchey, and submit their children to all the miseries and privations incident to idleness and vice; upon such persons the former provisions of this bill can operate nothing. It is proposed therefore, that justices, at petty sessions, shall be empowered to compel such persons and their families to wear badges for limited periods. But recourse is not to be had to this ultimate remedy, unless upon application by the vestry, or those officers to whom the care of the poor is entrusted, and after a scrupulous examination by the justices of the facts and circumstances under which it is asked for.

Sir, the remaining provisions in the intended bill, respect the keeping and passing of parish accounts. It has been my fortune to have many such professionally laid before me; their confusion and inaccuracy are frequently so great as to defy every attempt at explanation; and although I will not say that they are made a cover for fraud and imposition, I must observe that a more secure and easy means for both could not be devised. There is no solid reason to prevent parish accounts from being kept as regularly and exactly as those of a private person; there are many and most cogent ones why they should, if possible, be kept even with more scrupulous stictness. Yet I will venture to say, that if any private gentleman had his accounts kept in the manner in which most parishes endure to have theirs kept and passed, his inevitable ruin must be the consequence, although his fortune should be ever so large. As a remedy for this enormous mischief, I propose that all parish officers shall keep a day-book and a ledger, in which they shall make their entries regularly; that at the end of every quarter they shall draw up a summary of the several heads of receipts and expenditure, with the sums due, both to and from the parish; these abstracts are to be submitted to the petty sessions quarterly, with all necessary vouchers, to be there audited and allowed. Sir, I shall endeavour to make this mode of keeping accounts as little difficult to parish officers as may be. For this purpose I shall add such forms for keeping them as appear, not only to myself, but to persons more conversant with such matters than I am, to be best calculated to unite simplicity of arrangement with necessary detail.

Serious losses and inconvenience often occur from overseers retaining more of the rates in their hands than they ought. To guard against the hazard of such fraudulent practices, it seems necessary to give a power to justices, where they think that any overseer has retained more parish money in his hands than is necessary, to direct him to pay it over to some of his fellow officers, with whom they may consider it may be more safely entrusted. The application of public money to the receivers' private purposes, under any circumstances, is an offence not to be tolerated: wherever therefore the overseer shall not forthwith obey this order, the amount held back shall be levied by distress upon his personal property. But as the remedy is prompt for the parish security, so the protection of the individual against mistakes should not be neglected. It is therefore proposed to give him an appeal against the allowance of the accounts in petty sessions, upon his finding adequate security for repayment of what shall be finally adjudged due from him by the quarter sessions, to which he makes his ultimate appeal.

Such, sir, is the outline of those provisions which I intend to have the honour, with the House's leave, of submitting to it, in the shape of a bill. I am deeply sensible that every such measure rerequires the most minute and cautious consideration. I shall propose therefore, if the House grants me permission to bring it in, to move that it be read a first time and printed, without being carried farther during this session. The approaching recess will give time to the members, as well as to the country, to examine and scrutinize its various, and in some respects complicated, provisions. It is my ancious wish and desire that this should take place, as it is by such means alone that its adequacy for any useful public purpose can be truly judged of. If it should be found incompetent to its object, and incapable of amendment by the wisdom of this House, no man will rejoice more sincerely in its final rejection than myself.

Sir, there is one other measure connected with my plan which is not included in the intended bill. It respects that supposed excess of population to which I have already alluded. Looking,

as I do, upon the population of every kingdom as the main source of its power and prosperity, I cannot admit the existence of any superabundance of our people, beyond the demand for their labour, without great reluctance, and much more evidence than is now before the House.. A surplus in some parishes and districts may exist, without the country being generally crowded. If this inconvenience should be merely local, the laws now in force, coupled with the provisions of the intended bill, will, I trust, be found sufficient to remove it. The labouring classes may now remove where they please in search of employment. If the bread of idleness is not brought inconsiderately and lavishly home to their doors by their parish, they can seek work in places where the thinness of population admits of that demand for labour which will enable them to find it. If the entire country is so over-peopled as not to admit of this remedy, the only effectual redress will be found in a well-regulated system of colonization. This was the sole resource of the ancients against that national superabundance which, in Greece and Rome, was not unusual: not to speak of those hostile swarms which constantly poured from the northern hive, at least from the commencement of the Roman republic to the fall of the empire. Even in the present times, Ireland and Scotland have drawn occasional relief from the emigration of their people as well into this country as into America. Neither has the practice been confined to ourselves. It has not been uncommon throughout Germany, Switzerland, and other parts of the continent. I know that theorists and others have sought their remedy against this malady in restraints and regulations, and discouragements of marriage among the poor; schemes infinitely more pernicious than any evil of which they complain. Sir, I will never either conceal or disguise my abhorrence of such fancies, which I think founded upon anti-social principles, utterly subversive of morality.* There is no legislative instrument by which we can expel nature beyond its power of recurrence. We may defile and desecrate that institution which Heaven has consecrated — we may remove the influence of moral restraint over the most powerful of human passions, but we cannot subdue it. Marriage in humble life is the parent of sobriety, of industry, of social affection, and of every domestic virtue which cheers and tranquillizes the poor man's cottage, both in the morn and in the decline of his frail existence. Never, no never, will I lend my assistance, with any view or for any purpose, however plausible, to tamper with an union, founded in the laws of our nature, destined to yield happiness with innocence to youth, and to supply old age with the consolations of society and reciprocal support.

Any system for colonization to be effectual, must obtain the assent and concurrence of his majesty's government. For this reason I have deferred to embody my notions on that subject in the shape of a bill during the present session. It ought properly to follow as a consequence upon the adoption of those reforms which I now propose to introduce. If such a plan is ever taken up, I would found it upon two essentially governing principles. First, that it be not made the instrument of fraudulent or involuntary eviction even of the poorest and most insignificant individual from his native country. Ample precaution should be taken, that all who avail themselves of the measure, should do so solely from the impulse of voluntary choice. The other would be, that those places which are pressed by the inconvenience should raise from their local funds the necessary means for enabling the poor to emigrate. This would form the most effectual guard against injudiciously pushing the practice beyond the evils which the measure is designed to remedy. No parish or place would incur the expense, unless compelled to it by an injurious superabundance of population; and no inhabitant would be aided to remove, unless when the inconvenience of over numbers was practically felt.

That this measure may, at least for the present, be dispensed with in this part of the empire, I confidently hope and expect. Whether it may not be more immediately required in Ireland, as the only means of providing permanent succour for the poor, and insuring civil tranquil-

* The ancients classed marriage among the fundamentals of society and civilization.

——— Fuit sapientia quondam
Publica privatis secernere, sacra profanis,
Concubitu prohibere vago, dare jura maritis,
Oppida moliri, leges incidere ligno:
Sic honos et nomen divinis vatibus atque
Carminibus venit.

HORACE.

lity to that country, is a question of a very different aspect. But whenever, or under whatsoever circumstances, we may be thus compelled to separate from our fellow subjects, we shall, I trust, sustain ourselves by the consolation, that they will carry with them British hearts, British principles, and British freedom; that they go to provinces won by the valour of their countrymen, or discovered by their nautical research, to become the means, I trust the auspicious means, of extending the language, the arts, the sciences of England, to remoter regions, and of transmitting them to future ages; laying in the firm foundations of their own immediate prosperity new and extended sources of increase for her commerce, her manufactures, and all her industrious monuments of civil and peaceful preeminence.

Many subjects connected with the regulation and support of the poor remain untouched by the provisions which I have thus detailed to the House. I shall, with your leave, Sir, shortly refer to the grounds upon which I have kept them distinct. The mode of imposing the poor's rate has occupied much of public discussion. It is wished, and not unnaturally wished, to cast some of that burthen, which is now almost exclusively sustained by the landed proprietor, upon the commercial and funded interests. Any local appropriation of a tax upon the funds among the 14,700 local establishments which now maintain their poor separately, would be unattainable in practice. We must either abandon the long and wise usage of sustaining the poor by small districts, or give up this attempt. To consolidate the poor-rates of the country into one national, or even into separate county funds, might obviate the objection; but such general establishments would give birth to others more numerous, and not less insurmountable. The very essence of this relief is founded on the peculiar circumstances of want or calamity, which give to each individual his temporary or permanent claim for assistance.

The skill to apportion succour, with reference to the real wants of pauperism, to be efficient, must be local and personal; to be accurate, it must be minute and perpetual; to be vigilant, it must be quickened and animated by some direct and visible interest. All frugal care would be lost in the indiscriminating distribution of a national or a county fund. The struggle between parishes and paupers would rather be, to appropriate more than was their fair due of a common spoil, than to husband the produce of a general contribution. As these consequences demonstrate that such a plan would be either impracticable or ruinous, it is unnecessary to consider its effects and bearings upon another most important question; namely, the national faith, as it stands pledged to the public creditor.

The rateability of commercial and other personal property is now fully established; but general experience has induced the country, as it were by common consent, to abstain from the exercise of a power with which every parish is clearly and completely invested. The answer to any attempt to render personal property, if possible, more liable to assessment is, that the law has already done all that it can do, consistent with the principles of sound and rational legislation. To the abominable means of an inquisitorial scrutiny from each individual of his actual ability, the law of England will, I trust, never resort. What national experience relinquishes as unattainable after long unsuccessful experiment, it is seldom, if ever, safe to revive.

I had once thought that the effect might be indirectly obtained, by making all who are engaged in trade contribute a small sum per head for each person whom they employed; the amount to be applied in relief or other assistance of the individual on whose account it was contributed as occasion required. This would be in effect to form a kind of parochial compulsory saving-banks. But I was induced to relinquish this scheme, in the feeling that it must ultimately resolve itself into a tax upon labour; that it must in the end fall on the servant, although originally advanced by his employer; and thus compel the labourer at all times, and under all circumstances, to an equal contribution from his earnings, without reference to their amount, or his immediate capability. A farther important obstacle to the execution of such a plan is, that, to be effectual, it would require more complexity than seems convenient for any general national compulsory arrangement.

Another subject of usual complaint is, the existing law of settlement. So far as that system causes an undue increase of the poor-rates, it must do so either as an injudicious or as an expensive mode of

administering relief. Upon the propriety of continuing to relieve the settled poor by parishes or their subordinate districts, I have already laid my sentiments before the House. With respect to the trouble and expense of parish litigation, the topic is so popular, that it becomes scarcely prudent to hazard a doubt upon it; and yet, Sir, if the maintenance of the poor by small districts is desirable, the expense of law-suits and removals seems to some extent unavoidable. Variety of discordant interests must give rise to intricate and subtle questions of both fact and law; they may sometimes perplex the justices in sessions, and occupy their time, at no small expense to parishes; yet, after every possible reflection upon its consequences, and every allowance for the enormous expense, the law will be found, in this instance, as in all others, the only sure resource against fraud, injustice, and oppression. That the costs of removals and law-suits have been magnified beyond the reality, appears, Sir, by the reports on your table. They do not exceed in amount one twenty-fifth part of the total of what is raised for the exclusive use of the poor; an expense at which, I believe, few gentlemen can collect and manage their private incomes. I am bound to add, and I appeal to the experience of all who hear me to corroborate the assertion, that a fair and economical expenditure is generally secured by the employment of professional men, who rank, in point of integrity and respectability, with those of any profession whatever.

Sir, these, I trust not ill-founded, apologies, are neither intended to conceal nor to do away with any fair ground of objection to particular heads of settlement law, as they may affect either the reciprocal interests of parishes, or the comfort and condition of the poor. One, the utility of which seems peculiarly questionable, is that of settlement by hiring and service, which not only gives rise to the most numerous and complicated questions of law and fact, but to a relative inequality of burthensome effect between different parishes; as it is evaded by the course of hiring in some counties, while it is scrupulously adopted in others.

The settlement and binding out of apprentices more pre-eminently require our anxious consideration. The object of the statutes of apprenticeship was, to secure to the young and unprotected a useful and virtuous course of instruction, which might qualify them for the usual avocations of domestic life. Upon the indiscriminating haste with which they are now huddled in droves and flocks from the workhouse nursery to the manufactory, I shall trust myself with no other observation than that such practices are cruel and mischievous evasions of the wise and wholesome provisions of the law. In the turning a wheel, the opening of a valve, or the feeding of a spindle, the child meets with painful occupation, and is defrauded of its fair recompense in useful information. By such early employment the body is unfitted for the efforts of ruder labour, without either mind or body being trained up and adapted to the skill which is necessary for the [illegible] sedentary employments of me[illegible] callings. Fortunate, most fortunate, will these early victims be, if they can count in their catalogue of ignorance and omission, that of remaining uninitiated in early vice and immature corruption!—But, Sir, the evils are not confined to the consequences of such injudicious bindings: while the apprenticeship continues, the child shares at least some portion of a master's care, secured to him by the protection of humane and salutary statutes. But as the law of settlement now is, a male or female infant is settled by a residence for forty days under its indenture, though executed at the most childish age at which it may please the parish or their parents to bind them. Although the master or mistress should die, or become bankrupt, or disappear the very next after this fortieth day, the child is to remain estranged from the fostering care and moral protection of its parents during the continuance of its natural and necessary pupilage. Yet even here, where the mischiefs are so manifest, I am not without apprehensions that it will be found not altogether easy to devise remedies free from solid objection.

The existing right of removing the poor to their place of settlement has been objected to, both in and out of this House, upon more serious grounds than that of expense: it has been declaimed against as harsh, impolitic, and cruel; as an oppressive encroachment upon the poor man's liberty; and as injurious to the industry and general interests of the country.—Sir, our ancestors entertained very different notions upon this subject from those of their more bold and inno-

vating progeny. As far as our institutions can be traced backwards, the great body of the people were restrained to continue in their settled dwellings under certain defined regulations. To this extent a law of settlement has existed, and been rigorously observed from the most remote periods of our law, as a measure of wise and necessary police.—In the existing law I must profess my inability to discover any injurious or impolitic restraint; every person enjoys under it full liberty to remove where he pleases in search of work, and to continue there at his free will and pleasure, unless he becomes chargeable to the place thus selected for a new abode. That he shall not be tempted to wander, nor suffered to continue without some reasonab[illegible] pect of obtaining work, is surely [illegible] and constitutional limit, not less useful for the poor man's comfort, than salutary for the public peace. By manful struggles against difficulties, both rich and poor are enabled to overcome them. Our changeable natures want no such temptations to lure us rather to fly from misfortunes than to wrestle with them.—But I will leave it to any reasonable mind to calculate the innumerable evils which would result, in the present general facility of intercourse and conveyance, from not only suffering, but enticing every labouring man to run from his family, his connexions, and the responsibility of his personal character, under the legal assurance that wherever he chose to ramble he would be certain of sufficient support and a comfortable asylum.

In this, as in many other instances, our reason is seduced from its more correct conclusions by some humane sympathy and compassion for particular cases. It is undoubtedly a great hardship that an industrious family should be removed from their accustomed dwelling and their usual course of employment, because they become accidentally chargeable through some occasional cause. But Providence, which looks primarily to the species, causes the antidote to arise from the very evil of which it allows; it renders the labourer and the artisan more cautious, more frugal, and more saving, that they may avert such a serious calamity from themselves and their children. Left to himself and to his own exertions, the poor man will do more for himself, and without injury to others, than any law can do for him. In the few cases in which he may prove unable to extricate himself, private liberality ought to assist; and it would cheerfully do so, unless it were kept back by the feeling that an application to the poor's rate renders such interference unnecessary and almost intrusive.

Sir, upon these grounds it seems to me that the object of our law should be the direct reverse of what is here and in some other instances contended for; and that sound policy requires, that if any alteration is made, it should be rather to render removals even more easy, and the acquisition of settlements more difficult. Sir, the report of your committee goes strongly to support this opinion:

"It is uniformly found, that such inhabitants of a parish as have not acquired a settlement in it, and can obtain no such relief without being removed, are distinguished by their activity and industry, and generally possess, not only the necessaries, but the comforts of life; and your committee have lately heard with satisfaction, that the operation of the act of this session has already relieved some parishes of the metropolis from the heavy burthen of maintaining numbers of persons without settlements in England, who are stated now to support themselves, instead of applying for parochial relief, under the apprehension of being sent home.*"

It is farther most remarkable, that this principle has been uniformly followed without being openly avowed. For every proposed alteration in this branch of the law has terminated either in abolishing some modes of acquiring settlements, or in rendering others less easy to be gained; so that, whatever may have been suggested, and however recommended, no more easy and simple mode of settling the poor has hitherto been sanctioned by the legislature.

One mitigation of the law of removals I have ventured to introduce, but which it escaped my recollection to notice in its proper place. Parishes often afford relief to their settled poor while residing elsewhere, upon principles of humanity, and obviously mutual advantage. My object is to render this practice legal to a limited extent, under certain guards and cautions; the principal one is, that such relief should only be given with the vestry's consent.

* Report from the Committee on the Poor Laws, 1819.

I trust this House will not think it unreasonable that those who are to bear the expense should possess the right of controlling it.

Experience of what has followed from the attempts of others, has rendered me apprehensive of the unforeseen consequences of all untried measures upon this subject; I will therefore frankly avow, that I introduce even such an innovation upon the law with doubt and reluctance. But as the sense and feelings of the country have anticipated the measure, and given it the sanction of usage, which has not been followed by any perceptible inconvenience, I am encouraged to hope, that in the greater extent to which it may be carried by being rendered legal, it will prove harmless in its remoter consequences, and useful in its immediate effects.

The only remaining branch of this law to which it seems necessary to refer, is that which respects illegitimate children: it is intimately and most seriously connected with the subject of parish expenditure; but for reasons with which it is unnecessary to fatigue the House at this time, it has hitherto been made the object of distinct legislative provisions. The present laws require much attentive consideration, both as they affect the morals and the general economy of the poor. I have thus briefly touched upon this subject, in the hope of calling some member's attention towards it who may have time and talents for the undertaking.

I cannot conceal from myself that this plan, of which the House has now heard the detail with such kind indulgence, may be liable to many objections, both as it respects the means by which it is to work, and the results it is designed to produce. Like all laws of common daily application, as every man feels it, so every man will judge of it; and applaud or condemn, rather as it removes or disregards the inconvenience by which he practically suffers, than as it is calculated to answer the great national purpose which it labours to accomplish. But as there is no end of local objections, or suggestions for improvement, so they admit not of any answer.

Against the difficulties which it may be supposed to cast upon overseers, particularly by multiplying the number and increasing the complexity of their accounts, I trust a sufficient remedy is provided in the aid of an assistant overseer, whose labours, if he is rightly chosen, will amply repay whatever salary he may receive.*

It may also be urged, that it imposes fresh duties and additional responsibilities upon the local magistracy of the kingdom: I trust it will produce no such inconvenience. The regular arrangement of parish affairs, and the due ordering the real poor, which the bill aims at effecting, seem better calculated to lighten than to increase their official labours. But even if it should prove otherwise, I am persuaded that this invaluable body of men will be the last to complain. If benefits may accrue not only to themselves but to their country, and not only to the present but to future generations, they will spare neither pains nor labour to bring them within the reach of the people.

It will possibly be objected, that the plan is better adapted to regulate the agricultural poor, than those of large towns and considerable manufacturing districts. As far as the objection arises from an application of the pauper's labour to highways and public works, it has some foundation. But the nicer employments of the manufacturer or artizan do not admit of this appropriation to public purposes: it is only the ruder and coarser kinds of labour that allow of such general regulation. On the other hand, as the manufacturer's wages are commonly higher, the power of apportioning relief, with reference to the pauper's industry, yields more than a counterbalancing advantage to manufacturing towns and districts: and as the means of saving are usually greater in such places, recourse to the parish rates will be less necessary, more especially if a prudent use is made of the wise institutions of saving banks.

There is another objection which I am not a little anxious to repel. I may be accused of bringing forward regulations, which press with additional heaviness and severity upon the poor; as they tend to curtail the extent of relief, while they render the poor man's return for it more laborious and irksome. Sir, in throwing the imputation from me, I will say, that nothing can be more remote from my intention. My object, and it is one to me above price, is, to promote their comfort, to preserve their true spirit of independence, to cherish their domestic virtues, to chase away every lure to laziness and thoughtless dissipation. In this heavy,

* Forms for keeping the accounts will be subjoined in an appendix to the bill.

and perhaps ungrateful, task, it is necessary to winnow the chaff from the corn; to separate the idle from the industrious; to distinguish, by a clear line of demarcation, the prudent from the spendthrift; the moral from the profligate.

Sir, he is no true friend to his kind who would keep them, as far as possible, unemployed. We may look to Ireland for the practical evils resulting from such a listless mischievous economy. The bread of labour is the bread of peace. When Providence made the sweat of man's brow the condition of his inheritance, it alleviated the dispensation by soothing the ways of industry with that content and happiness, which to idleness and vice must remain for ever strangers.

I mistake altogether both the provisions and the object of this bill, if it imposes injurious hardships, or severe discipline, on one. It professes no specific for sudden or violent amelioration. It holds out no prospects of unattainable advantage. Its object is, to follow in the paths of our predecessors, and by so doing to respect the feelings, the habits, the manners, the comforts, and the prejudices of the people. It is brought forward in the time of general peace, and in the season of domestic abundance, when the experiment, if it is to be ever hazarded, may be attempted with safety and a reasonable prospect of success.

Sir, I am fully aware that neither this nor any other measure can effect more than to devise means, and afford facilities, by which the country may extricate itself from this growing and monstrous evil. As this is the utmost which the legislature can accomplish, it is all that it should attempt; beyond this the nation must minister unto itself. It is upon the active perseverance and vigilant superintendence of the magistrates; upon the unremitting, unwearied, paternal attention of the landed and manufacturing interests; upon the persuasion, influence, and example of those who spare from their own wants, that which is to lighten those of others; and upon the cordial, cheerful co-operation of the poor themselves, that we must rely for any sound, substantial, and lasting improvement. Let us then earnestly call upon them all, both individually and collectively, to unite in one common effort to rescue themselves and their posterity from this calamitous pressure, and thus rid their country of an incumbrance which clogs so heavily its prosperity and vigour.—The hon. and learned gentleman concluded with moving, "That leave be given to bring in a bill to amend the Poor Laws."

The Marquis of *Londonderry* thought it would be most advisable to allow the bill to be brought in and read a first time, without entering into that kind of desultory discussion, the tendency of which would be, not to advance, but retard the object in view. He congratuluted his hon. and learned friend on the great pains he had taken upon this subject, and expressed his satisfaction at finding that his object was to bring back the system to what it was originally intended to be, instead of misleading the public mind, by any attempt to remove that which had grown up and strengthened with the institutions of the country.

Leave was given to bring in the bill.

ALTERED STATE OF THE CURRENCY.] Mr. *Western* said, that several honourable friends were absent who wished to take part in the discussion of his resolutions. Perhaps, therefore, he might be allowed to move the first seventeen now, without debate, and to bring forward the last on a future day. He was resolved that the subject should be again considered before the close of the session.

Mr. *Ricardo* said, he could not agree to any of the resolutions in their present form; several of them contained mistakes in fact, and all of them were pervaded by an erroneous principle.

Mr. *Huskisson* strongly objected to the postponement of the discussion.

Mr. *Western* said, he was quite ready to proceed, if it was the desire of the House [go on, go on!]. It might be thought that he was pertinacious on this subject, but if those who were of that opinion felt, as deeply as he did, the importance of the question, the unparalleled situation of the country, the unexampled ruin that had already spread around, the apprehension that that ruin was but the precursor of more extensive evils, and the conviction, that all was attributable to the cause to which he had already called the attention of the House, he was persuaded, that they would not blame him for his perseverance. It was his most decided opinion, that if the bill of 1819 was allowed to continue in force, its operation would involve this and the sister island in the most unprecedented condition of peril. He utterly denied that there was any

exaggeration in this statement. Of this fact he was convinced, that by the operation of the measure to which he had alluded, two-thirds of the cultivators of the soil, had, in the course of a few years, and in a time of profound peace, been rendered insolvent. The turn of the landowners would soon come. They would soon be involved in the ruin of their tenantry. There were very many proprietors of estates, at the present moment, who did not receive 20 per cent of their rents. That was but a foretaste of what they must expect, should the present course of policy be persevered in. The noblemen and gentlemen of the country would be dragged down from their proud elevation, and degraded from their rank, in a manner which had never before occurred in the annals of the world. They would have to undergo the transfer and confiscation of all their property. Adverting to the bill of 1819, he had no doubt it originated in a laudable wish to maintain those sound principles of justice and honesty by which this country had ever been distinguished. But it was not too much to say, that, with all their excellence of intention, the authors of the measure had fallen into error. Not only the misery in this country, but the excess of misery which had appeared in Ireland, was, he was perfectly convinced, attributable to the present state of the currency. He had received many letters from Ireland, all of which stated, that in the distressed districts there was a want of employment, a want of money, not a want of food. Was there ever any thing so anomalous as the present state of Ireland? To see a large portion of the population of a country dying for want, while ministers asserted, that in another part of that country there was a superabundance of food! To see human beings starving, with the cup of plenty close to their lips! The fact was, that the farmers of Ireland, having no money, could not employ the poor; and that the poor, having no employment, could not buy food. When he considered these things—when he looked also at the poor of this country, who were absolutely at this very moment living on the capital of the country, he entertained the most fearful apprehensions that we should, ere long, have a high price of corn arising out of a deficiency of supply. He would read to the House the resolutions that it was his intention to propose, and make a few comments on them as he proceeded.—Adverting to what had been said of the necessity under which landlords were placed, in the present times, of being liberal and giving up a portion of their rents to their tenants, he said that he held in contempt the use of the word "liberality," in such circumstances. The landlords were bound to do their duty. They had a right to expect from their tenants their just due, but they had no right to expect more. It was, however, evidently impossible that tenants could continue to fulfil contracts made under circumstances entirely different from those under which they were now called upon to perform them. All the contracts which had been made for many years antecedently to the bill of 1819, were, in fact, violated by that bill. It was not just, therefore, to attempt to hold the tenant to the contracts which he made before that period. The hon. gentleman here entered into a statement of the prices of corn at various periods in support of his argument. When he contemplated the situation of the landowners, from the highest peer of the realm downwards; when he calculated all their outgoings, their fixed payments, their jointures, their allowances to younger children, their mortgages, their law agents, their land agents, the necessary appendages of their rank and station, it was his perfect conviction, that they amounted to full half their actual rent. He absolutely denied, that any of the landlords of the country, from the highest to the lowest, had evinced any sordidness of disposition. It was an aspersion of which he would rather be the object than the author. On the contrary, the landed interest had manifested too deficient an attention to their own interests. Their patrimonial estates were melting away from them; and the operation which was now going on must eventually strip them of their rank and property.—With respect to the question of taxation, he contended, that the natural amount of any payment was not to be estimated by the pounds, shillings and pence, in which the payment was made, but by the quantity of commodities which would be required to produce the pounds, shillings, and pence, in which the payment was made. To estimate taxation by the quantity of labour necessary to raise its amount, was indisputably the only fair means of ascertaining the real pressure on the people. He most fully believed that the effects of the bill of 1819, were not at all in the contempla-

tion of the author and the supporters of the measure. He put it to them, and to the House, whether, if they had anticipated what had taken place, they would have enacted the measure? It could only be in ignorance that the measure was agreed to. Perhaps he might be accused of aiming at a breach of public faith. If he were so charged, or rather if he were so aspersed, he would not say that he would treat the accusation with contempt, but he would say that it would not produce on him the slightest effect. In answer to such an accusation, he would say, that faith had not been kept with the public debtor. There had already been a breach of faith towards the public, and a breach of great extent, productive of the most pernicious consequences. Had the events which had since occurred been anticipated in 1819, an arbitration between the parties liable to injury, a kind of adjustment of their interests, ought to have taken place. So far, however, was that from having been the case, that a great breach of faith had taken place towards the public. He apprehended that the restoration of the metallic currency had been intended merely to do justice to the stockholders prior to 1797. Such an object was, however, totally unattainable. In a period of nearly a quarter of a century, how large a proportion of those ancient proprietors of stock must have ceased to be holders of stock, and must necessarily and unavoidably have converted their stock into land, into manufactories, and into the means of pursuing all the various active employments of society. Thousands, however, were receiving their death-blow in consequence of this act of retributive justice, as it was called; and the confidence which the people had hitherto reposed in parliament, as the conservators of property of every kind, had been most decidedly shaken. With regard to high prices, it had been asserted by many, that higher money prices than those now existing would be injurious to the poorer classes of society. In his opinion, however, it was indispensable to the interests of the country, and to all the classes of its population, that all commodities, that all the produce of the earth, and that labour should bear a higher price than they did at present. A rapid declension of every interest in the state would otherwise take place. To what did many persons look for the relief of agriculture? To an advance of price occasioned by a reduction in the quantity of produce. He, however, maintained, that it was not necessary to reduce the quantity of produce for that purpose. He was decidedly for affording protection to agriculture; but he would at that very hour willingly open all our ports, and allow all the hoarded corn in the granaries to be poured into the country, or sent to the distressed districts in Ireland, provided that extended circulation was afforded, which was so necessary to the vast concerns of the country. Were that done, it would soon be found that there was no superabundance of corn in the country. When did any man before, see, hear, or read of a country ruined by superabundance? Such a thing had never entered into the head of any but modern philosophers! Never country had shown so much industry, patience, and patriotism as this country had shown; and but for this fatal law, no country had ever enjoyed greater prosperity than it would be now enjoying. The hon. gentleman concluded with moving the following Resolutions:

1. "That the Select Committee appointed last session to inquire into the petitions complaining of the distressed state of the agriculture of the United Kingdom, reported, That it was with deep regret they had to commence their report by stating, that in their judgment the complaints of the petitioners were founded in fact, and that at the price of corn, at that time, the returns to the occupiers of arable farms, after allowing for the interest of their investments, were by no means adequate to the charges and out-goings; and that a considerable portion thereof must have, therefore, been paid out of their capitals:—That the price of grain having experienced a still farther depression, viz., from 55*s*. 6*d*. per quarter of wheat to 45*s*.; and all other grain, and all other articles, having undergone a similar or greater decline, the insufficiency of the receipts of the farmers to cover their charges must be proportionably increased, which is farther confirmed by the numerous petitions on the table of the House, representing in the strongest terms their aggravated and excessive distress; and that, in consequence thereof, the labourers in many districts are destitute of employment and the consequent means to purchase food, and have broken out into acts of violence and aggression, and for which the lives of

some have been forfeited under sanction of the law.

2. "That it appears by the papers relating to the state of Ireland, laid before this House by his majesty's command, that serious disturbances had broken out in that country, of which the demand and collection of rents had been, on the part of the insurgents, the alleged causes; and subsequent information has been received, that the labourers in agriculture, from a partial failure in the crop of potatoes, together with a total want of employment, and consequent means to purchase other food, are in the most calamitous and deplorable situation; and that many have died from the want of nourishment, whilst the price of provisions still continues so low, as not to afford to the occupiers of land the means of defraying the various charges to which they are subject.

3. "That in the same report of the Select Committee of last session, it is stated, 'That the measures taken for the restoration of the currency have contributed to lower the price of grain, and other commodities generally, and consequently to cause a severe pressure upon the industry of the country, and not only to have occasioned a proportion of the fall of prices here, but to have produced a similar, though not equal effect in other countries; and, in a degree, to have deranged the markets of every part of the civilized world.' That in proportion as all commodities, whether the produce of the soil, manufactures, or commerce, have experienced a depression of their money value; so must the proprietors have suffered a direct injury; and whatever may be the degree, it was impossible that the commercial and manufacturing classes of the community can long continue to prosper, whilst the cultivators of the soil are rapidly sinking into ruin and decay, and the labourers suffering in consequence of the want of their usual employment.

4. "That soon after the passing of the act of 1797, by which the Bank of England was restricted from paying its notes in specie, the ancient metallic standard of value having been thus departed from, the currency of the country, composed of Bank-notes, became depreciated, which depreciation was evinced, and may be estimated by the amount of Bank paper money above 3*l.* 17*s.* 10½*d.* necessary to purchase an ounce of gold; and which fluctuating from that sum to 5*l.* 11*s.* was, on the average of eighteen years to 1816, 4*l.* 10*s.* 10*d.* thence to 1819, 4*l.* 1*s.*, and the last ten years of the war, 1*l.* 16*s.* 1*d.* That this depreciation may be farther and more accurately estimated by the price of commodities, particularly of wheat, at different periods, by which it will also appear, that the value of gold was reduced by the issue of paper, which became its nearly exclusive substitute; that the price of wheat, according to the Eton College tables, during 150 years prior to the commencement of the late war, calculated in periods of 10 on the average, exceeded 51*s.* 7*d.* per quarter, and on averages of 50 years, had not exceeded 44*s.* 9*d.*, and an ounce of gold would consequently, during all that time, exchange for about one quarter 4 bushels; that from 1797 to 1816, the average price of wheat fluctuated from 50*s.* to 125*s.* per quarter, the average of the last eight years of the war being 101*s.* 9½*d.* and the average of the whole period 81*s.* 10*d.* and an ounce of gold would therefore only exchange for one quarter; that the price of grain thus became, in its nominal or money value, nearly double its amount at any former period; the rent of land and commodities acquired a similar additional value, and consequently all possessors of fixed incomes sustained an injury to the extent of such alteration.

5. "That the average price of wheat between the years 1797 and 1819 having been, therefore, in that currency about 80*s.* per quarter, existing leases were formed according thereto; that the average price since 1819 has been 55*s.* 6*d.* and last year and this about 50*s.*; that, upon the supposition of rent being estimated at one-fourth, or two-eighths of the gross produce, it is evident, at the price of 50*s.* being a reduction of three-eighths, that so much of the money value of the gross produce is annihilated, as constitutes the present entire rental of the kingdom, and likewise so much of the receipts of the occupier as amount to one-eighth; that the tenant is, therefore, liable to utter ruin if held to his engagement, or the landlord to the loss of his income, subject, at the same time, to the payment of all charges and settlements increased in their amount in the ratio of the increased nominal or money price of grain and other commodities; and in case of mortgage to the extent of half the value, at that period, a reduction of rent in proportion to the fall in the money

price of produce, places the mortgagee in full possession of the estate.

6. " That, from the year 1797 to 1816, the country was, with short intervals, engaged in a war of unprecedented expense; the taxes were quadrupled, as well as county and parochial assessments, and a heavy public debt created.—That this period was at the same time distinguished by extraordinary efforts of national industry, applied to its agriculture, manufactures and commerce, by a facility and extension of credit in all those branches, giving more immediate activity to capital, and a consequent extent and complication of money engagements beyond all former precedent:—That the national debt, which, on the 5th Jan., 1793, was 227,989,148*l.* at an annual charge of 8,911,050*l.* progressively increased to the amount of 795,312,767*l.* of capital of various denominations, on the 5th Jan., 1822, at an annual charge, inclusive of terminable and life annuities, of 30,015,785*l.*; and the total of taxes, which on the 5th Jan., 1793, amounted to 17,656,418*l.* 11*s.* 8*d.* progressively increased, till in the year 1815, it amounted to 78,431,489*l.*: that, subsequent to the war, it has been reduced; and the total on the 5th Jan., 1822, was 60,671,025*l.*

7. " That this taxation has acquired an additional weight by the act of 1819, and the measures preparatory thereto, the degree of which can in part be ascertained by a comparison of the price of gold, but more justly by the money price of commodities, by which the real value of all payments must be determined: that the equivalent in gold to 60,571,025*l.* was, in the former period, 13,358,934 ozs.; and, in the present, 15,657,264 ozs.; or in current money of the former period, 71,109,992*l.*; and that taxation is therefore further and unjustly increased, as paid in gold, 2,298,312 ozs. or 10,438,067*l.* in money.

8. " That the average price of wheat of the former period having been 81*s.* 10*d.* per quarter, the equivalent of the taxes in wheat was 14,228,155 quarters; and the price, since 1819, having been on an average 55*s.* 6*d.* the equivalent at that price is 21,863,720 quarters; or, in money, 89,459,050*l.* and the increase of taxation paid in wheat is consequently 7,035,565 quarters, equal to 28,787,233*l.*

9. " That it appears from various evidence, given in successive committees appointed to consider the petitions of the agriculturists, that the wages of labour of an able husbandman, did, during the former period, amount to 15 or 16*s.* per week; and that, at 15*s.* the labour of 5,000,000 of persons for 15 weeks, was then equivalent to the discharge of the present taxes. That the price of labour being now reduced to about 9*s.* per week, the labour of 27 weeks of the same number of persons is now necessary; and which, at 15*s.* per week, amounts to 101,150,000*l.*; and that taxation paid in labour is consequently increased to the amount of 40,468,175*l.*

10 " That it appears by a comparison of the official and declared value of exports of British commodities, that in the year 1814, the declared value of the exports was 47,859,388*l.* and the official value 36,120,733*l.* being 32 ½ per cent of the declared, above the official value; and that in 1821, the quantity in official value amounted to 40,194,893*l.* and the declared value to 35,826,083*l.* being 11 per cent, of the official above the declared, making a total decline in value of 43 ½ per cent and the general price currents exhibit a similar decline. That the total amount of taxation in commodities, is therefore equivalent to 87,003,397*l.* of the former period, and the increased taxation paid in commodities to 26,331,572*l.*

11 " That the farther reduction of wheat from 55*s.* 6*d.* to 45*s.* and other agricultural produce, together with any further decline in the money, wages of labour, and price of commodities, additionally increases the burthen of taxation, as well as all other charges, both public and private, upon the property and industry of the country, to an extent proportionate to such farther reduction;—and that as wheat never exceeded, upon the average, the present rate in the old money standard, it must be expected that it will on an average there remain, unless enhanced by scarcity; and that the price of commodities, and wages of labour, will continue at the money value they now bear, or be further reduced.

12. " That such effects could not by possibility have been in the contemplation of the legislature, still less of the people of England, at the time of the passing the act of 1819:—That its destructive consequences are now visible—that individuals held to their contract, either have been or must be ruined; an unexampled revolution of property follow, and the burthens of taxation become absolutely intolerable.

13. "That by the parliamentary paper, No. 145, of the present session, columns 1 and 2, it appears, that from the 5th Jan. 1798, to the 5th Jan. 1816, the sum of 459,630,826*l.* of money, including bills funded, was paid into the Treasury on account of loans, for which an annual charge for interest and annuities was created of 23,860,020*l.* which sum converted into a three per cent capital is equal to 795,334,000*l.*

14. "That the average price of gold having been during that period 90*s.* 10*d.* the equivalent in gold to the money so lent and capital created was 101,203,117 *ozs.*; and the 3 per cent stock being now at 80, the said capital is equal to 140,095,550 ozs. of gold, at the before-mentioned average price of 90*s.* 10*d.* and that at the present price of gold 77*s.* 6*d.* to 163,407,306 ozs.; the difference, being 23,311,836 ozs., constitutes an undue gain to the public creditor, at the expense of the public, equal in money to 110,974,694*l.*

15. "That the average price of wheat having been during the above period 81*s.* 10*d.* the equivalent in wheat to the money so lent was 112,333,400 quarters, and the price of 3 per cent stock being now 80, and wheat at the same average, the equivalent would now be 155,533,185 quarters; but at 55*s.* 6*d.* the average price since 1819, it is equal to 229,285,478 quarters, or in money, 938,159,330*l.* being an increased gain of 73,782,215 quarters by the alteration of the currency; or in money 301,892,228*l.*

16. "That the annual charge of 23,860,020*l.* created in the period above stated, as equal to 5,253,502 ozs. and is now equal to 6,127,174 ozs. being an increase of 874,192 ozs. or 3,403,886*l.*; that the above annual charge in wheat was equal to 5,831,370 quarters; is, at the average since 1819, equal to 8,600,000 quarters, or in money 35,196,666*l.* being an increased gain of 2,799,000 quarters, or in money of 11,328,311*l.* and that by comparison with commodities and labour, in the proportion of difference of their money value in those two periods, an equally undue advantage to the public creditor is proved to have been given at the charge of the public.

17. "That all public creditors prior to 1798, and others subsequent, have suffered in proportion to the depreciation that followed their respective loans; that they are therefore entitled, in strict justice, to be paid in money, of value equal to that of those periods, and be indemnified for the diminished value of their income during the interval; that many of those creditors having probably, in such a length of time, sold their stock and purchased property, have since undergone another and more fatal injury, by the restoration of the old currency, and consequent diminution of the value of their property so bought;—on the other hand, those who lent their money when the currency was depreciated below the average of the whole period, gained a farther undue advantage than is shown by the foregoing statements; and the depreciation was at its greatest extent during the latter years of the war, when the largest proportion of money was lent, and capital created; in addition to which the public have, upon very advantageous terms to the stockholder, redeemed a larger capital debt than existed prior to 1797.

18. "That under all these circumstances, it is evidently and indispensably necessary, to take into immediate consideration the destructive effects that have arisen out of the alterations made in the currency, by the acts of 1797 and 1819, as well respecting the enormous public burthens created and so augmented by the act of 1815, as the revolution of property in the vast and complicated intercourse of individuals throughout this country occasioned thereby; in order that, by a final arrangement of the currency, as equitable to all parties as circumstances will admit, or by a reduction of taxation equal to the advance occasioned by the act of 1819, together with the establishment of some principle for the adjustment of private contracts, justice may, as far as possible, be administered to all, and the country saved from a revolution of property, and also from a pressure of taxation beyond the ability of the people to sustain."

The first Resolution having been put,

Mr. *Ricardo* commenced by saying, that if he should not succeed in refuting the arguments of the hon. gentleman, it would be owing, not to the force of those arguments, but to his inability to reply to them. The hon. member had said, that the alteration which had taken place in prices was to be solely imputed to the alteration in the state of the currency brought about by the act of 1819; but the hon. gentleman seemed to forget, that the country had been subjected to such alterations in prices, when no such cause existed as the

bill of 1819, or any similar bill. There could be no difference of opinion with respect to the fact of distress. The question was, what was the best means of removing that distress? The causes of low prices might be traced to various sources—the great influx of gold into this country—the improvements in agriculture — those and other causes operated. How, then, could the distress of the agriculturists be solely imputed to the alteration that had taken place in the currency? In an enlarged point of view, he was prepared to contend that the alteration in the currency had no effect upon taxation. The question of taxation ought to be argued as if no change had been made in the currency since 1797. The alterations that had been made might have affected individual classes—might have affected landlords and tenants, in their relations to the state; but if the value of produce was affected by the change in the currency, it should be recollected also that the value of all other productions was affected in the same way. He was willing to admit that to whatever extent the value of the currency had been affected by the bill of 1797, to that extent had taxation been increased. But it was impossible to prove that the depression of the agricultural interest was in any greater extent to be traced to the measure of 1819. As to the situation of Ireland, which had been alluded to, could any reasonable man suppose that the distress and misery of Ireland grew out of the measure of 1819? He thought it perfectly compatible that they should be suffering for want in Ireland, and from superabundance in this country. In a country where the people lived on the cheapest food—such as potatoes—if that food failed, how could their wages afford the means of procuring corn? The hon. gentleman should have considered that wages were not regulated by the price of corn. In England, where food was not so cheap, such a calamity as afflicted Ireland was not so likely to occur.—The hon. gentleman here entered into a correction of a passage within inverted commas, as if quoted from the agricultural report, while there was no such passage in the report. There was even one passage in italics, representing that the currency was the cause of the severe pressure on the industry of the community, yet there was no such statement in the report. This was calculated to mislead; though of course there could have been no such intention. It did not follow that a fall of prices, which the report stated, occasioned any distress to the producer; for the cost of production might have fallen. If justice was to be done in one instance, it ought to be done in another. The parties who had suffered from the introduction of the paper system were not to be recompensed, it seemed, because their loss had occurred 25 years ago; but the main loss, in fact, had occurred at no such distant period, for the depreciation of the bank-note up to the year 1809 did not go farther than 2½ per cent. If those were to be compensated who were losers by the return to cash payments, certainly those had an equal right to remuneration who had been damnified by the departure from it. The hon. member was not consistent in his resolutions. When he estimated the depreciation of bank paper by the quantity of it over and above 3*l*. 17*s*. 10*d*. which was necessary to purchase an ounce of gold, he admitted gold to be the standard of value. Why, then, did he afterwards come forward with arguments in which corn and other articles of produce were assumed to be the standard of value? Such a principle would justify every man in calling for an alteration in the currency of the country, according to the rise or fall of the commodity in which he dealt. He (Mr. R.) did not think the annihilation of rent by any means a necessary consequence of a fall in the price of corn. The cost of production might be diminished. But the hon. member for Essex, holding that opinion, was certainly bound to support his (Mr. R's.) plan for paying off the national debt, by a partial sacrifice of capital; because under that arrangement, he would forfeit only a part of his possesions, while, under the existing system, he lost the whole.—The hon. gentleman had said, that the effect of the bill of 1819 had increased taxation to the amount of ten millions; but to make out that point, he calculated gold at 4*l*. 10*s* 10*d*. instead of 3*l*. 17*s*. 6*d*. With respect to the general complaint of the hon. member, that corn and other articles of produce had been brought down in price by the bill of 1819, was it not a notorious fact, that before that bill had passed, those articles had fallen in price? How, then, could the hon. member charge the measure of 1819 with effects which could be traced to an earlier period, and which had been going on increasing in operation before the bill had

been passed? He now came to another resolution of the hon. member's—that resolution made a mistake of no less a sum than 154 millions. That resolution stated a sum of 459,650,826*l.* of money, including bills funded, had been paid into the Treasury, from Jan. 1798, to Jan. 1816. Now he (Mr. R.) contended, that out of that sum 154 millions had been paid towards the discharge of the national debt. If the chancellor of the exchequer had done away with the delusion of the sinking fund, would he have raised so much money from the country? No, there would have been 154 millions less: so much was applied, and by so much had the debt been diminished from 1798 to 1816. The hon. gentleman seemed to insinuate, that certain individuals were in the habit of making public attacks upon the landlords of this country. The charge could not be brought against him. It was true, he looked upon rents in the same light as he did every other article in the market, liable to fluctuations, and to be regulated according to the demand for the produce of the soil. He had never said that the country would be ruined by a superabundant supply; on the contrary, that the country would greatly benefit by that supply; the greater the supply the greater the comfort. Great supply induced low prices; low prices injured the grower, but gave an advantage to the country. It was not, however, that kind of advantage which he should wish it to possess. On the contrary, he would always wish to see the grower receive a fair remunerating price; because he was convinced, that all classes in the country would go on better and more prosperously when the farmer received a fair remunerating price. But a remunerating price had nothing to do with the state of the currency. If corn were down so low even as 20*s*. and the price of labour and all other outgoings were regulated by that price, the grower could go on paying his rent as well, perhaps as when he received 80*s*. and when his outgoings were in proportion to that price.—With respect to the advantage that one class had gained over the other by the bill of 1819, he would say, that it certainly was impossible to tamper with the currency of a country, without producing such effects. The payers of taxes had lost at one period and gained at another, in consequence of the fluctuations of the currency; but it was quite remarkable to see how nearly at par stood the loss and gain. In his opinion, the great mischief sprung out of the original error, he meant the bill of 1797.—That was the great error—the measure of 1819 was the remedy. The House acknowledged the mischief of the measure of 1797, and they were bound to support the bill of 1819, which was only intended to remedy the original error. If the House at a fatal moment interfered with that bill, what would be the consequence—what would be the state of London the next day? What wild speculation—what ruin would follow! So strong were the evils that would follow such a step, that he anticipated from that House its decided negative to the motion of the hon. member.

Lord *Milton* contended, that the distress and embarrassment under which the country laboured were not to be imputed to the simple measure of 1819, but were to be traced to the fatal measure of 1797, and the effects which followed, to the fluctuations of the currency, and the efforts which had been made with a view of returning to cash payments. He agreed that the agricultural body came with an ill grace to that House, not in fact to be relieved from distress, but with a demand to raise the price of bread upon the people. He thanked God that the House had not the power to do so if they would. He would regret any invasion on the public creditor: he hoped the House would keep faith with him; but whether the taxes would keep faith with him was another question. The House would not sanction an invasion of the debt; but he greatly feared that the taxes would not be able to meet the demand of the creditor. There were two ways to relieve the farmer; the one, to increase his receipts; the other, to diminish his outgoings: the first was impossible, the other might be effected. And how could it be effected but by a reduction of taxation. He thought that ten millions of taxes might have been remitted this session. Had so much been remitted, it would have afforded great relief to the agricultural interest. It would not afford the same relief next year; because there were scarcely any farmers who were not now paying their rent out of their capital. The noble lord referred, in proof of the extent of the agricultural distress, to the petition from Leicestershire, which had been signed by all classes, from the lord-lieutenant to the lowest occupier of land. The consequence must be, that in 1823

the farmer would have less capital than in 1822, and that the reduction of taxes which would have been effectual this year, would not be then effectual. He was quite sure that before the next session, they would hear many great lords and many knights of the shires, who had hitherto been silent, clamorously calling for relief. He therefore implored the public creditor, as a matter of prudence, to consider whether it was not his interest as well as his duty, to compel the minister to retrench, in order to prevent the landholder from being tempted to make an inroad upon his property. The public creditor ought to recollect what had taken place at the late meeting of the county of Kent. He sincerely trusted that the example then set would not be followed; but what had been done in Kent might be done in Cornwall and Northumberland; and there was no security against the repetition of such a proposal at any public meeting whatsoever. After stating that he felt no pity for the landholders as a class, inasmuch as they had always been rigid supporters of the loan system, of which the evils were now beginning to be felt, the noble lord proceeded to declare, that he could not agree to the last resolution. As to the rest of his resolutions, his hon. friend might be right, or might be wrong; but sure he was, that to seek a remedy for our present distress in reverting to a paper currency, or in creating high prices, would be as absurd as it would be useless. The only efficient remedy left for the country to adopt was, a reduction of taxation by giving up the sinking fund, which in all probability, if not so given up, would shortly give itself up. He trusted that gentlemen would come to the next session of parliament convinced of the impropriety of keeping up a heavy taxation for such a purpose. The noble lord took a review of the leading measures which had been proposed during the present session, and maintained that neither side of the House had done for the country, that which the country had a right to expect at their hands. Indeed, there had not been a single motion, with the exception of that made by his learned friend the member for Winchelsea respecting the sinking fund, and that made by the hon. member for York (Mr. Wyvill), respecting the reduction of taxation, that would have done the country the slightest good had it been carried.

Mr. *Attwood* commenced by remarking upon the speech of the hon. member for Portarlington, which he said contained views exceedingly mistaken and uncandid of the resolutions before the House, and of the arguments of his hon. friend who had introduced them; but he said, that the errors into which the hon. member had fallen, had been for the greater part exposed in so unanswerable a manner by the noble lord who had followed him in the debate, that he should be reluctant at that hour to occupy the House with remarks on any parts of the hon. member's arguments, except those which were directly opposed to the main grounds on which the resolutions before the House rested. The main fact asserted in these resolutions—that on which they all depended—was, that that fall of monied prices, the effects of which were so destructive and ruinous, had been occasioned by the alterations which had taken place in the currency. This the hon. member for Portarlington denied. He maintained that the fall of prices was to be ascribed chiefly to other causes, and undoubtedly, if the hon. member was right in this opinion, there existed no ground for any one of the resolutions before the House. They rested on this, that a great depreciation had taken place of that money which was established by the act of 1797; and it was perfectly indisputable that a rise of prices to the extent of that depreciation, whatever it was, must necessarily have been occasioned by it; and that the return to the old metal standard must have been of necessity accompanied with a fall of prices, to the extent of the rise which had been thus occasioned. This would not be denied, and the question therefore between the hon. member for Portarlington and the hon. mover of these resolutions was reduced to this—to what extent had that depreciation gone? for to the same extent had the re-establishment of the old metal standard occasioned a fall in the price of agricultural produce, entirely unconnected with, and independent of those productive harvests and improvements in agriculture, by which the hon. member explained the fall in agricultural prices. Now, on this point, that the depreciation had been very great and extensive, he should not proceed to establish that by any abstruse argument, but should content himself with resting it entirely on an authority which he was quite satisfied would be received as conclusive by the hon. member himself, and probably would satisfy the House. For

it was the authority of the hon. member who now contested that point: and he would read his opinion on a former occasion given on that subject. [Mr. Ricardo here said he admitted it]. The question therefore was at an end. There was no ground for the confident attack which the hon. member had made on the principle of these resolutions; imputing to them the absurdity of ascribing that to alterations in the standard of value, which had been occasioned by accidental causes; and of asking for a reduction of taxes and burthens on no better ground than that of a productive harvest. The resolutions state, that by acts of the legislature, the standard of value has been first greatly lowered, and then as much raised. This the hon. member admits, and he must admit with it, that those measures of the legislature have occasioned great injustice, derangement, and ruin; that a great fall of prices, with all its destructiove effects, acting on high monied engagements, has been occasioned by those measures, and the resolutions go farther than the hon. member only in calling on the legislature to provide remedies, for evils, and injustice it has itself occasioned.

The hon. member had asserted, that prices on the continent had fallen to as great an extent as in this country; that of course this could only have been occasioned by abundant production; and he had asked whether we should find in France so great an absurdity as a demand for a reduction of taxes on the ground of an abundant harvest and a glut of corn? The question as to foreign prices, was one on which much mis-statement had taken place, and on which it was of importance to have the real facts before them, as they threw light on our own situation. But first, he desired the House to consider to what extent, and how universal the fall of prices in this country had been, and to exhibit that, he would refer again to that paper, which had been delivered to the agricultural committee of the last session of parliament, by Mr. Tooke, and which contained a list of the prices of thirty of the most important articles of commerce and manufactures, selected as exhibiting the extent of fall of prices which had taken place on all commercial commodities generally. If these prices were continued down to the present time, the result which the list would exhibit was this, that from the month of May 1818, to May 1822—the first of these periods being that when the second experiment for altering the standard of value had commenced—the prices of all those commodities had fallen to the extent of 40*l.* in the 100*l.*, and that was nearly equal to the fall of agricultural prices since the same time. Let this fact, then, be applied to the question as to foreign prices. Was it asserted, that a fall of prices, as sudden, as great and universal as this had taken place on the continent at large? If so, it led necessarily to one of these two conclusions; either that all productions had everywhere suddenly increased, in quantity; or that money had been reduced in its quantity; for the proportion between money and commodities had altered, and one of these two conclusions must therefore be of necessity admitted. Either all the productions of all industry, all climates, and all countries, had suddenly increased (which it was impossible to believe); or otherwise, from whatever cause, a reduction in the amount of money generally in circulation had taken place. With respect to this country, where, beyond any question, the fall of prices which had taken place, was to the extent of nearly one half on all property and commodities, the reduction which we had forcibly made in the amount of money in circulation, was fully adequate to occasion that fall; it was, in fact, impossible, that such a reduction could be effected without such a fall of prices following; and doubtless these operations on English currency, must have materially deranged the monied system of Europe, and have affected more particularly those countries more exclusively connected with England, and which formed the channels through which the bullion of England had at one period been dispersed on the continent, and at another period been drawn back.

But the real fact was, that no such fall of prices as that experienced here, had taken place generally on the continent; and he referred individually to France, which the hon. member for Portarlington had particularly referred to, as exhibiting a fall of prices as great as in this country, and this fact he distinctly contradicted; and asserted, that no material depression in agricultural produce or in property generally existed in France. He maintained that no material rise, in the monied price of agricultural productions, had taken place in France during the whole period of the war—during that period which had been distinguished by so great a rise of prices in this country; and that no material de-

pression had taken place since the peace; and as this must be of necessity well known to many members present, and as he saw that hon. gentlemen opposite assented to that fact, he would not therefore go into the proof of it, from tables and authorities which he possessed. But it followed from thence, that the rise and fall of prices which had been experienced here, had arisen from causes peculiar to this country, and not common to us with the continent at large, as had been so repeatedly asserted. It appeared, however, that there was one part of the continent, which was Flanders, where—whether from its more intimate connexion with England, from a derangement at one time in its own currency, which there was, he understood, some reason to believe, had existed, or from whatever cause—a rise and fall of prices, nearly equivalent to our own, had taken place: but so far was the example of Flanders from affording any support to the opinion which the hon. member for Portarlington had expressed, of its being absurd to demand a reduction of burthens on the ground of a fall of prices, that he (Mr. Attwood) believed, that great reductions had been there effected on that very ground; and he could not reply to the argument of the hon. member better, than by referring him to what had been recently stated on that subject, by the minister of the king of the Netherlands, in a speech delivered to the states; in which speech would be found a complete answer to the question which he had put to the hon. member for Essex, as to whether he expected to see so great an absurdity on the continent, as a reduction of taxes on account of a fall of prices? That minister, after describing a state of things somewhat similar to our own, first a great rise of prices, accompanied with much prosperity; and then as great a fall, and corresponding distress, proceeded to meet these difficulties by referring to the public burthens; and he said, that during the high prices proportionate taxation had been imposed; and that it would not now be just, for the same extent of taxation to be continued. "It is but just," said this minister, "that the taxes should be reduced in proportion to the decline in produce." "The taxes which took away when "they were imposed one-fourth or one-"fifth of the revenue of land, would now, "if they were continued, take away a "half. It was just, therefore, that they "should be reduced. The fiscus (by "which he presumed was to be under-"stood the Dutch exchequer) would not "lose by that. The fiscus said this mi-"nister will gain in all [illegible] disbursements. "Cheap times, reducing at once receipts "and disbursements were not," said he, "to be considered unfavourable to the ex-"chequer." This was the manner in which that government had encountered difficulties somewhat similar to our own, whose government had displayed no such firmness, nor such wisdom.

Considering, therefore, the facts and principles embodied in the resolutions before the House as completely established —for the acute ability of the hon. member for Portarlington had entirely failed in attempting to impugn them—he thought that it must be universally felt, that it was the duty of the House to proceed to an examination of the measures, now brought under its consideration; in order to determine what steps now remained to be taken for preventing their further progress, and to redress, as far as was practicable, the injustice they had already committed. He was far from agreeing with those, who thought that this task had been so long neglected that it could not now be advantageously performed; and considered, on the contrary, that it had become more urgent in proportion as it had been delayed; that it would ultimately be forced upon them; and that though the duty, which it belonged, under present circumstances, to the House to discharge, had become most extensive, and complicated, and difficult; yet for the House to desert that duty on those grounds, would be to abandon the most important functions, which a government could be called on to discharge. Let the House consider in what situation its measures had placed the country, not as that rested on opinions maintained by one set of men, and contested by others; but as far as might be now said to be concurred in, by all those, whose attention had been particularly directed to the subject. The depreciation of money which we had effected, he believed he might now say was estimated by none at less than one-fourth, by others, and on good grounds, it was estimated at one-half; so that from one-fourth at the lowest, to one-half at the highest estimate, was the extent to which the House had, by legislative measures, effected a rise and fall of prices, and had altered the monied value of every man's property. When they considered the

debts they had contracted in money thus depreciated; the taxes imposed; that all contracts and leases for near the fourth part of a century, had been founded on this depreciated money; no measure could be conceived, more rash, ill-advised, impolitic, and unjust, none more urgently demanding revision, and a consideration which it had never yet received, than that which imposed the old metal standard on all these debts, contracts and taxes; without any measure of preparation or of investigation, which might have shown the full extent of the operation they were engaging in; which could apprize the country of the nature and extent of the change to which they were subjecting its most important and extensive interests; and which might have enabled the different classes of the community to have avoided, in some degree, that ruin, to which they had now been exposed, as completely as if the measures of parliament had been adopted with the purpose of ensnaring and deceiving the people: and which had done all this, above all, without any previous measure of reduction of taxation, or of expenditure on the part of the government. [Hear, hear!]

But, ill-advised, and impolitic, and unjust as that measure was, there was another circumstance connected with these operations which was still more extraordinary, and which now most urgently demanded their consideration; and it was, that down to this present time, when the alteration in the value of money, they were told, was complete, when the old standard was said to be completely established; not one of the proceedings of parliament had been founded on it, or had been adapted to the altered condition, in which that measure had placed the country. They had carried into effect a measure, which had altered the existing condition of the country, but the government refused to recognize or to act upon it, and still proceeded as though no such alteration had taken place. They had altered the existing condition of all the great classes of society, in relation to each other, and in their own condition; but the authors of that measure, proceeded as though utterly unconscious that any such change had been accomplished; or had been even in contemplation. That evil had pervaded all the proceedings of the present and several past sessions of parliament. They had proceeded in their system of taxation, and of expenditure; had fixed prices for the import of grain, had proposed measures for increasing the circulation; over which they had no power, on the footing it was now placed upon, either to increase the circulation by a single shilling, or to diminish it, and in all this had acted as though the paper money, its prices and prosperity still continued, and had been entirely forgetful of the altered circumstances of themselves and the country. The House had been occupied in reducing the people, from that condition of false and fictitious prosperity, as it was now called; from that condition of drunken prosperity as the right hon. secretary called it, to which it had advanced during the system of paper money: but the hon. secretary had forgotten that the government had participated in that fictitious and false prosperity; that it had become as drunken as the people; and that it was necessary to extend to the government also, his system of discipline and reduction. If they were to consider the establishment of the old standard as complete, as permanent;—if no further measures were to follow, what spectacle should they exhibit? A government still adapted to the bloated prosperity of one state of things, and a people reduced to the sober misery of another. A government in possession of taxes, salaries, pensions, and magnificent establishments, all arising out of, and adjusted to the condition of false and drunken prosperity, which arose out of the paper standard; whilst the people were groaning under the poverty brought on them by the return of the metal standard. Was this to be considered part of the experiment of cash payments; were they to be called on to determine whether incongruities and disorders like these could be reconciled and supported? It was impossible that they could continue to consider a state of things like that, as safe or satisfactory, or attempt to render it permanent. They could not remain in the position in which they had placed themselves. It was necessary to go further, or to return. Either to reduce the expenditure of the government, to a level with the altered means and condition of the country; or to place the country in a condition of enduring its burthens, by adjusting the standard of value to that in which they had been imposed.

He would call the attention of the House to a single instance, of the manner in which they lost sight in their proceed-

ings, of the alteration they had themselves effected. The House had before it an act for the purpose of reducing salaries; brought forward under the name of the Superannuation act. It was a measure introduced to the House, as one of great importance. On that measure they were told, the labours of the administration had been employed, during the whole of the last summer. The chancellor of the exchequer proposed it, in a very elaborate and detailed speech, taking a review of all official situations and their emoluments, and stating grounds on which it was proposed to effect general reductions in salaries. But in the whole of that speech, there did not fall from him one single word, respecting the altered value of that money, in which these salaries were paid. This had been totally left out of consideration by his majesty's government, in considering the grounds on which salaries could properly be rendered less burthensome to the country; and this was their conduct at the very moment when the value of money had been recently raised, by a disguised operation, to an extent which was estimated by none at less than 25 per cent, amidst the unexampled sufferings and distress of the country. The chancellor of the exchequer said, that to reduce salaries was a painful task: he had not courage to accomplish it: but he forgot that the question was as to increasing them: whether it were fitting at that moment that salaries should be virtually raised, by an indirect measure, without any one ground of service or of justice; or if it were not rather necessary, to adjust them to the altered value of the money, in which they were paid? Could there be a doubt entertained as to the reality of that alteration or its effects? It was perfectly undeniable that, if they had continued their system of circulation, such as it existed during the war; or if, on returning to a metal standard, they had adjusted, as was fitting, that standard to the value of the paper money of the war; then it would have required a measure, giving a direct nominal advance of nearly double, to every pension and every salary under the Crown, to place the holders of these pensions and salaries on the same footing as that on which the alteration in the currency had now placed them. The chancellor of the exchequer was slow to believe in the depreciation of money, or in its enhancement. Let him inquire, then, of the holders of pensions and official situations, if they do not find that the alteration in the value of money has placed in their hands increased means, increased affluence, increased wealth, beyond that to which their emoluments had been adjusted or fixed during the prosperity of the war; and if all this had not taken place at the precise time when they had heard of the increasing distress of the country at large? [Hear, hear!]. But it was said, that it would be hard to reduce salaries, because all prices had not fallen! Was not that an evil common to all classes of the community? Had not the landed men with reduced incomes to contend against expences not alike and equally reduced? All prices had fallen that were not upheld by taxation. And what is the remedy? To reduce at once the salaries and the taxes together, and that would give relief to the holders of office and of pensions, and to all other classes of the community at the same time. On this subject there appeared to exist a systematic determination, to keep out of view, the connexion between the altered value of money, and its effects on these situations. When the right hon. secretary reviewed the effects of his bill, on the different classes of the community, and brought into prominent consideration the manner in which it had, as he estimated, operated to the advantage of particular classes, he held out that disputed advantage as a consolation to others who suffered from it, but lost sight altogether of this great and important class of society, to whose advantage it had so unequivocally operated. The chancellor of the exchequer, in like manner, in his estimate of official emoluments, left out of view the increase they had received by the altered value of money. But these two circumstances were connected more immediately, than any others in the whole range of the interests of the country. Their connexion was so immediate and essential, that the House could never discharge its duty, if it considered one of them, without going at once into a consideration of the other. The House would not discharge its duty, if it considered the question, of the alteration in the value of money, without proceeding to consider its effect on the salaries of the public servants; and it was a mockery to regulate or to refer to these salaries, without taking into view the manner in which they had been by that alteration enhanced.

But this was one instance only of the incongruous nature of their proceedings, and not the most important, though sufficiently apparent and striking; for that inconsistency pervaded the whole of their proceedings, and the effects of the measures before them were to be mainly seen in their pernicious consequences on the great body of the people, and in the extensive derangement and disorder which they had produced, in all their interests. And was the House to be surprised, if, when they refused all inquiry into measures so extensively connected with the national interests, endeavoured to avoid discussion as to those measures, and refused to take them into view, as the foundation of their own proceedings—were they to be surprised, if they found great bodies of the people, occupied in those discussions which the House avoided, and the bearing of those measures in their utmost extent, and the grounds of justice or policy on which they rested? To suppose the contrary, would be to imagine that they could extinguish in the people, all disposition to avail themselves of the benefit of experience; or to guide their future conduct by observation of the past. For what had the experience of the present generation of active men shown them? Had they not seen all the common operations of life rendered ruinous; all the efforts of industry become pernicious, and all prudence and foresight frustrated, and the different orders and interests of society sacrificed in their turn, one to the other? At one period, the interest of every man who granted a lease of his land was sacrificed; at another, all those who took leases were ruined; at one time, it was the lender of money who was sacrificed, at another the borrower was destroyed. And did they expect that the people were to continue these operations, granting and taking leases, borrowing and lending money, with all this experience before them, and without attempting to understand the ground of all this ruin and derangement, to discover the justice of these measures, whether they had any and what claim for relief and redress, how much further they were to be carried, and whether, and how often, and on what ground they were to be repeated? Nothing more extensively important to the interests of the country, had ever taken place in that House, than the resolution they had lately come to respecting those measures, coupled with the grounds on which that resolution had been proposed and supported. They had resolved, that they would not alter the money standard of 3*l.* 17*s.* 10½*d.*; and the noble marquis at the head of his majesty's government in that House said, that the meaning of that resolution was, that they would not *now* alter that standard; but that it did not follow they were not in future to make such an alteration if they found it necessary. And of what nature was this necessity thus referred to. A necessity of which the government was first to judge; and parliament be afterwards called on to sanction? And this they called giving a fixed standard to the country; on which it might depend, and on which its operations were to be founded. But what appearance and probable prospect of necessity was now before them, and to which they were exposed from the very attempt to establish the standard of 3*l.* 17*s.* 10½*d.*? First, there was the necessity which would arise from a defalcation, in the produce of the revenue; derived under present circumstances from precarious sources, which could not by possibility be permanent, and the present situation of which, as compared with the destitute condition of those from whose resources it was drawn, was a subject of astonishment to every man [Hear, hear!]. Let any material defalcation in the revenue take place, approaching, for instance, to that which took place in 1820, in the revenue of Ireland—a defalcation of one-fifth, or one-sixth, and the standard is gone at once,—that standard to which the people were to work, on which they were recommended to found their operations, but which none but a madman would found any operation upon. Then there was another contingency, that was, a demand on the part of the people, and yielded to by their representatives, for a general system of reduction in the establishments of government. Did any man believe that the present administration, or any other administration, would carry such a reduction of establishments into effect, or that they could do it and maintain their own places; or that such a demand would not be met or eluded, rather by a sacrifice of that standard to which we had sacrificed every thing else? This was precisely that conduct which they ought not to adopt; that situation in which they ought not to place the people.

They ought not to attempt to establish a standard of value, the difficulties of establishing which were so great, that no reliance could be placed on their being able to succeed; nor respecting which were they able to give any assurance to the country as to its permanence. It was precisely the step they ought to avoid. Their duty was, to proceed to an investigation of the whole of the subject, to lay its whole operation open to the view of the people, that they might understand from whence this unnatural state of things had arisen; to come to a final settlement and adjudication, which should render that imperfect justice, which was now alone in their power, to the different orders of society; to adopt permanently and finally a standard of value which should reconcile, as far as could now be done, all existing rights and interests; to render that standard final, to secure it by every pledge and every penalty; to fence it round with protection of every kind, to make it penal for any administration to tamper with it, under any plea of necessity; that thus the country might have confidence in the stability of their standard of value, and in their measures, and in their integrity, which at present they neither had, nor could have; and there was not one of all those who proposed to adhere to the standard of 3*l.* 17*s.* 10½*d.* on the ground of the advantage of preserving a standard permanent, who would now venture to say, that he had any confidence in its permanence, or that he would now proceed in his own affairs, to grant leases of lands, to provide for children, and rely in these affairs on the permanence of the present standard of value. This was their proper duty; and if they neglected, or shrunk from it, they forced upon the people the discussion of questions, which could not be by the people discussed, when their interests are connected with them, without danger,—questions of abstract right, of abstruse principles, of those principles on which the right of property itself depends, and they were accountable for the consequences, whatever they might be. Let them consider the situation in which they left the country, whilst they were engaged in this attempt of establishing a doubtful standard. All the foundations of property had been unsettled, no security remained for it. There was not a debt nor a contract now in existence, of which its equity was not questionable. [Hear, hear]! Let them consider the case of lord King. During the depreciation of money, lord King demanded from his tenant, a sum greater than that which the tenant was bound by contract nominally to pay. The value of money had been lowered by measures of the government, and having found that to be the case, and that the alteration in value was to the extent of 14*l.* 12*s.* per cent, he demanded of his tenant 114*l.* 12*s.* for every 100*l.* stipulated in his lease. A clamour had been attempted to be raised against that noble person; imputations had been thrown out against his motives: but where was there a single individual now, who would maintain, that his conduct was not most just and upright, and consistent with the high character and station of him who adopted it; or, that he was not subjected to a flagrant injustice, when parliament took away from him, the means of enforcing his just demand? But, if that demand were just, there is not now a tenant in the kingdom whose lease was granted during the depreciation of money, whose claim for reduction is not equally just, and who is not equally defrauded, if required to pay the full nominal amount of his contract. No such rent so contracted for, could now be *honestly* received. The tenant was directly defrauded if compelled to pay it. And all the receivers of pensions, and all creditors, were placed on a similar footing. Whether they could honestly receive their nominal claim; that depended on the date of the agreement. No man could deny it, on grounds worthy even of discussion. This was the condition in which all debts, and contracts, and leases stood, and in which they proposed to leave them.

He adverted next to the argument of the right hon. secretary, who had placed the question, as respected the reversal of the act of 1819, on fair and manly grounds; for he had said, that it would require a case of strong necessity to justify such a measure, and that he himself did not recognise in the existing condition of the kingdom any such necessity. He considered rather that his bill had operated to the advantage of the main interests of the country. The right hon. secretary rested the main defence of the act of 1819 on this, that it was calculated, in his opinion, to improve the condition of the

lower classes of society. This important body had been reduced, in his opinion, to great indigence during the depreciation of money, and in consequence of that rise of prices, which had been accompanied with so extraordinary a degree of prosperity in the country at large. It was principally from entertaining this opinion, and from believing that a fall of prices and the re-establishment of the old standard, would reinstate the labouring classes in their former prosperity, that he had originally promoted, and now supported, the inviolability of the act of 1819. Undoubtedly, no measures of any government could rest on a basis more satisfactory, than their tendency to improve the condition of the labouring classes, if they were capable of permanently effecting that great object. These classes formed a great majority of this, and of every country, and the interest of the greater number it was, in whatever condition placed, that it was the duty of all governments to consult. It was not for the advantage of those classes, which were in possession of distinctions and wealth, exclusively, or particularly, that the measures of government could be justly directed; those distinctions, the right of property itself, rested on no other foundation than this, that they were necessary not for the good alone of those by whom they were possessed, but for the good also of those by whom they were not possessed, the great body of the community. If the act of 1819, therefore, or any other measure, could be shown to be permanently capable of improving the condition, of the labourers, it should have his support. But, in fact, no error in the whole course of these proceedings, had been more palpable and obvious than that of the right hon. secretary, when he imagined that the act of 1819 could be otherwise than greatly injurious to the lower classes. This effect was so obvious, indeed, that the slightest consideration would show him (Mr. Peel), that it was only with respect to a very small part of that important question, that any difference of opinion could at all exist. Such difference of opinion as to the effect on the labourer of a rise or fall of prices, occasioned by a depreciation of money, or a restoration of it, was confined to the period when such rise or fall of prices was in process. Ultimately and permanently, the wages of labour rose or fell with the price of property, of commodities, and provisions: they adjusted themselves to the alteration in the value of money, whatever that alteration might be; and the condition of the labourer after that operation, was left precisely the same as that in which he was found. But that equality of condition under such circumstances could only take place where no taxes existed on the wages of labour, or in other words, on the necessaries of life. Where such taxes existed, there the effect of the operation they had now been engaged in—of raising the value of money—on the condition of the labourer, sufficiently difficult at all times, was, that it became necessarily, finally, and irretrievably, deteriorated, degraded and depressed; the wages of labour sunk to the price of provisions, but the taxes remained, and were to be paid out of diminished earnings [Hear, hear!]. It was this effect of the act of 1819 on the condition of the labourer, the necessarily destructive influence which it must exercise on that condition, unless that act were accompanied with a repeal of taxes, to which he called the attention of the House, and to which their attention would be more urgently required, than by any other circumstance in the whole range of the interests of the country. When the wages of labour should have sunk generally, to the level of the old metal standard; when after that short period of difficulty and misery, which must always precede a fall in the wages of labour; that period, of industry without employment, and labour without reward; when wages should have sunk to 1*s.* to 10*d.* to 8*d.* for the wages of the labour of a day, as they had already fallen, and now existed in many parts of the country; then it would be for the House to consider, what would be the difficulty, the sufferings, the utter impossibility of draining from these miserable earnings, by taxes on the necessaries of life, the means of supporting the magnificent establishments, the enormous and cumbrous expenses of this government, all adapted to a different state of things, value of money, and rate of wages. He desired them to consider what derangement, what suffering, must be carried by even the smallest reduction, by means of taxation, into that severe economy, by which a family was to be supported in independence, out of such wages as he had described; and what then were they to expect from the almost universal extent of taxation

that now prevailed; but that it would extinguish all economy and independence together, and convert the labourers in a body into paupers; when all wages had fallen but all taxes were maintained? But these taxes could never be maintained; they could not exist in conjunction with the act of 1819; they must be abandoned, whatever interests suffered from their being given up. These taxes must be yielded to the sufferings of those by whom they were paid, to their destructive effects on the great body of the community, and on productive industry. But it was most extraordinary that the right hon. secretary had supported his opinion by a reference to the poor-rates. The labourers had been oppressed during the depreciation of money, and amidst the general prosperity of the country; that was his opinion. They had been relieved amidst a condition of general calamity and distress; and all this was to be seen by an examination of the poor-rate returns. Now it was on these very returns that he would rest that question. He would not refer the right hon. secretary to the principles, concurred in on this subject by every one of the writers on political economy, of any authority which this country had produced, and which were in direct opposition to the opinion he entertained; and who would tell him, that the interests of the labourers, were inseparably connected with those of the productive classes at large [Hear, hear!], but he would refer to the poor-rate returns. The committee which presented those returns to the House, had accompanied them very judiciously with a table of the price of wheat; for the mere nominal amount of money paid to the poor, unless accompanied with some measure of its value, neither showed the actual extent of relief given, nor of distress existing. It appeared by these returns, that the nominal amount of money paid to the poor in the three last years of the war, 1812, 1813, and 1814, the years of the greatest depreciation of money, when, consequently, if the right hon. secretary were right, the indigence of the poor would have reached its greatest height; and when that indigence would be marked by the poor-rates, the nominal amount paid in these three years, was 6,600,000*l.*, 6,300,000*l.*, and 5,400,000*l.*, which was 6,100,000*l.* for the average of the three years; and the average price of wheat for these three years was 99*s.* the quarter. But the money of that time was of a different value, as admitted in the argument of the right hon. secretary, from the money of his bill; for he said, that money was then depreciated, and that the poor suffered from that depreciation; and if we take off one-third to make it equal to our present money, then it would appear that the average paid to the poor in those three years, was 4,000,000*l.*, and the amount paid in 1814, the last year of the war, and the greatest of depreciation was no more than 3,600,000*l.* in money of our present value. This was a fact well worthy the attention of those individuals, who had directed their labours to the evils of our poor-laws, and who believed they saw in these laws, a source of great, and increasing, and interminable evil; threatening to sap the foundations of property, and to destroy the independent character of the labouring classes. Up to the close of the war these laws developed no such dangers. The labourers then supported their independence in spite of yearly increasing burthens; and the sums given in relief, showed no tendency to absorb the property of the landowners, nor were felt as a great burthen; corn being at 99*s.* a quarter at that time. There is no fact more incontestable than this—that during the war—during that depreciation of money represented by the right hon. secretary as destructive to the poor, pauperism decreased. It is so stated, and in these words, by an authority to which the hon. secretary would be inclined to defer—by Dr. Coplestone—who has investigated that branch of his subject candidly and ably, and who came to that conclusion. He took the period from 1802 to 1814, ending March 1815, and said, as the result of his examination, that during that period "pauperism was decreasing." He would refer then to the poor-rates at the time when the depreciation of money was corrected—when prices had fallen—when, according to the right hon. secretary, the indigence of the labourers was relieved, and that this would be seen by the poor-rates. The amount of money paid to the poor in the last year, of which returns were before the House, was no less than 7,390,000*l.* or, double the amount paid in money of the present value, in 1814, the year of the greatest depreciation of money. The returns for the subsequent year were not yet before the House, but he believed they showed a reduction

of about 400,000*l*., leaving the poor-rates 6,900,000*l*.; and this reduction had taken place at the period when the establishment of select vestries and assistant overseers, generally throughout the country, had introduced a better system of administration, into the management of the poor; and he believed that that improved management would alone account for all the reductions which had taken place. But bread was now supplied to the prisons of the metropolis at 6*d*. and 1-16th for a quartern loaf, and in many parts of the country, the contract price of meat for the poor-houses was 2*d*. and 2½*d*. a pound; and with such prices as these, if there were not an exceedingly great reduction in the amount of the poor-rates, there was an exceedingly great increase of pauperism. This, then, was the evidence, which the poor-returns gave of the condition of the labourer, as affected, first, by the fall, and then by the rise in the value of money; and it was on such grounds as these, and so taken up, that the right hon. secretary told them he originally supported the act of 1819, and now recommends its continuance. It would be extraordinary, indeed, if a measure which increased taxation, should diminish pauperism; when it was taxation in which our pauperism consisted, out of which it had arisen, and into which it must be resolved. It was not the act of the 43rd of Elizabeth, to which the evils of the poor-rates were to be ascribed. It was the taxes on the necessaries of life. Up to the commencement of the last reign, the whole amount paid for the support of the poor was no more than 600,000*l*. a-year; and the act of the 43rd of Elizabeth had then existed for a century and a half, but then the taxes had been dormant also; the whole amount of annual taxation at that time was under eight millions. The Excise was four millions, the Land-tax two millions, and the Customs two millions; and the money expended in the relief of the poor was little more than half a million. These facts sufficiently explained the nature and origin of the evils of the poor-laws; and they pointed most unequivocally to some principle, whatever it was, and that could be no other than the depreciation of money, operating most powerfully on the condition of the labourers, not in an hostile direction, but beneficially during the period of the war, and which had enabled them to bear up against all the burthens and difficulties of that period, without an increase of pauperism. He could not quit this part of the question, without expressing again his surprise at the manner in which the right hon. secretary on so important a subject had formed his opinions; the little attention which he had directed to the nature of the evidence which he had examined; and that formed another reason, why the House should now interfere, and direct their attention to a measure which still continued to be persevered in by government, on grounds as erroneous as those on which it had been originally adopted.

The hon. member adverted next to the condition of Ireland, as connected with this subject; for the House was not to take a partial view of the condition of the labourers, but their estimate must embrace the whole; and he requested them to consider the extraordinary statement made respecting Ireland by the right hon. member for Kilkenny, who informed them that in the midst of the present distress, the price of provisions was still as low as it had been, except on one or two occasions, in the whole course of his long experience: and what he said, extraordinary as it was, was confirmed in every word of it, by the communications and information respecting the state of Ireland, now before the committee in the city of London for the relief of Irish distress. The whole tenor of these communications was of this nature; they stated, in one sentence, that the population was perishing with hunger, and in the next they deprecated the sending them food; that was the general tenor of these communications. The causes of the distress, as collected from those communications, were, the want of money and of employment; these were the main causes, though it was aggravated greatly, by the partial failure of the potatoe crop. That it was not a deficiency of potatoes alone, which they suffered from, was manifest from this, that it was not desired by the Irish themselves, that potatoes should be sent to Ireland. It was deceiving themselves to confine their views to the failure of the potatoe crop. The potatoe crop was subject to accidental deficiencies at all times; but at no former time had calamities such as the present followed. [Mr. Peel here said, that as great distress as the present, had on former occasions taken place in Ireland.] He again asserted

it." Could any former period be pointed out, when distress in Ireland had been so extraordinary as to call for the universal consideration, and spontaneous assistance of the people of this country? Or was it to be supposed, that at times of greater prosperity for England than the present, the people of Ireland could have perished, as they were now perishing, and no relief be given? The present distress was not confined to the labourers. It reached to persons not dependent on potatoes, or existing on them, or suffering from any deficieny in the crop. The want of food (in the midst of its cheapness) had reached to the farmers and smaller shopkeepers: those above the labourers. Let them consider what state of things that was. There was a famine—but it was not accompanied with dearth: the people perished with hunger—but there was no deficiency of food. The farmers were destroyed for want of a market for their productions—the people died without the means of purchase. That was a condition, extraordinary, unnatural, monstrous—a famine which it was in the power of a government to relieve; which could never have had existence but in its measures. The right hon. member for Kilkenny might well say, there was something in the condition of Ireland, mysterious, obscure, and difficult to be solved. He requested his attention to some observations applying to that subject, of Mr. Malthus, printed in 1815. That gentleman had inquired into the effect of the fall of prices which then took place, on the different interests and orders of society, and he referred to its effects on Ireland, and there it was his opinion, that if the low rate of prices should continue, if corn should remain as low as 50s. or 60s. a quarter, the effect on the population of Ireland,—always somewhat redundant, protected by no poor-laws, where there was little surplus capital, and little trade—the effect on that population, he expected would be one which was indeed nearly similar to that now existing. He recommended this opinion to the consideration of the right hon. secretary, who believed that low prices would better the condition of the poor. Mr. Malthus had come to a different conclusion. The condition of Ireland more than verified his opinion. Here were accounts of the cattle of the tenantry on a considerable estate, all seized for rent; these miserable cattle were sold by public sale, in the public market of the town; the prices they produced were 4s. on an average, for a cow, and 1s. 3d. for the average price of a sheep; and the price of potatoes was no more than 1s. 6d. per bushel, and of wheat 5s. a bushel, and of oatmeal very low; and in that town, and around it, with that scene before them, the people were perishing with want. He referred also to the expressions of a rev. prelate, who said provisions in the market were not unreasonably dear, or scantily supplied;" but there was, he said, "a total want of employment; "no scarcity of provisions—but the "spade, the plough, the trowel, the "shuttle were all at rest; and where "there was no employment, there could "be little or no food for the general mass "of the people." Doubtless there could be no food if there were no means of purchase; and that there could never permanently be, if there were no remunerative return to those who should employ them. It was the low price of agricultural produce from whence all this suffering had arisen, however it had been itself occasioned; and he (Mr. Attwood) did not again expect, after what had passed in that debate, to hear it ascribed to any other cause than to the act of 1819. It was the fall of prices in which this famine originated—that fall prevented the tenant from discharging his rent. Then came the inferior landlord, bound by contract to the superior lord, and unable to make any abatement. The ground landlord himself, bound by debts and engagements, all founded in a state of high rents and prices, was equally unable to consent to reductions. Then the miserable stock of the miserable tenantry was seized—then the labourer was left destitute of employment—then ensued a short scene of violence, insubordination, tumult and bloodshed, and that was suppressed by military force—and then ensued a scene of famine and despair. That was the short history, he said, of the distress of Ireland. It sprang from that scarcity of money which they had themselves effected, and on them who had urged forward that measure, rested the responsibility of all the sufferings of that unhappy country. He would not further occupy the attention of the House. They had before them the experience of the effects of their measures; they had before them the experience of the past, the sufferings of the present, and the uncertainty of the future. Every thing about and around them was full of

change, difficulty, suffering, and danger; and if the present state of things before parliament was not one to call forth its earnest attention and exertion, he thought there could exist no condition of the people, of which that House might not be content to remain tranquil spectators. [Hear, hear!].

Mr. Secretary *Peel* asked, what reason there was for the House to revoke the decision it had come to not a month ago, without one new fact alleged; and begged gentlemen to consider the effect on all commercial intercourse of a declaration, that all transactions since 1797 were of doubtful equity, and should be revised. He contended, that the distress in Ireland was in no way attributable to the state of the currency, but to the failure of the potatoe crop, which was the chief reliance of a population, out of proportion to the means of employment.

Mr. Alderman *Heygate* thought the restoration of the old standard was, to a considerable extent, the cause of the agricultural distress, but not the only cause. There was, in addition, the cessation of war demand, five more than usually abundant harvests, and an enormous importation within those five years of foreign corn. Parliament neither could nor would obviate the two first causes, by endeavouring to counteract the bounty of Providence, or by plunging the country into new and ruinous wars. They had that session endeavoured to regulate the import of foreign corn. The violent reduction of the circulation, occasioned by the premature act of 1819, had affected this country, and in a still greater degree Ireland. He was not, however, for again abandoning the gold standard, but rather for augmenting moderately and cautiously the diminished circulation. If this were effected with prudence and good sense he did not doubt the return, not of high, but of fair and remunerating prices.

Sir *F. Burdett* supported the motion in an elaborate speech, of which, from the lateness of the hour, no report has been preserved, and concluded with stating, that the only resolution for which he felt himself responsible was the last, seeing that it pledged the House to inquiry.

The resolutions were negatived; and at four in the morning the House adjourned.

HOUSE OF COMMONS.

Friday, July 12.

BREACH OF PRIVILEGE—COMPLAINT AGAINST MR. HOPE AND MR. MENZIES.] Mr. *Courtenay* said, he understood that the hon. and learned member for Calne (Mr. Abercromby) would that evening attend in his place, in obedience to the order of the House. He understood also that the papers which the House had declared to be breaches of privilege, had led to consequences likely to be of a personal nature, unless the House interfered. The privileges of that House belonged to the House collectively, and not to any individual member; and he trusted the House would intimate to the learned member, that whatever might be his views or his feelings on the subject, he must not take any step interfering with the proceedings of the House. There were many precedents of cases wherein the House had solemnly enjoined individual members not to make any breach of privilege a personal matter. He should first move, "that the resolutions of Tuesday last be first read." [They were accordingly read by the clerk.] He would next move, "That the said Letters having been declared to be in breach of the privileges of this House, this House enjoins Mr. Abercromby not to prosecute any quarrel, against any person, which may arise out of such breach of privilege, by sending or accepting any challenge."

The resolution was agreed to *nem. con.*, and Mr. Speaker was ordered to communicate it, together with the resolutions of the 9th instant, to Mr. Abercromby. And Mr. Abercromby having come into the House, and being in his place, Mr. Speaker communicated to him the said resolutions.

Lord *Althorp* requested the indulgence of the House, while he stated the circumstances which had prevented the earlier attendance of his learned friend. On Tuesday last, before the papers in question had been submitted to the House, his learned friend had set off for Northamptonshire, to communicate with him (lord A.) on the subject. In consequence of that communication they had both set off for the North, with a purpose in view which it was unnecessary to state to the House. On their arrival at Ferrybridge, they found that the messengers from that House had previously passed through the town, and were then several miles in advance; and then they became acquainted with what had taken place in the House on the subject. They therefore found it was impossible to accomplish their object,

as the order of the House would reach Mr. Menzies before them, and would place that gentleman in a difficulty. He (lord A.), therefore under all the circumstances, took upon himself to advise his learned friend to return, and attend in his place without delay.

MARRIAGE ACT AMENDMENT BILL.] The Solicitor General presented a petition from Arthur Chichester, esq. against certain clauses in this bill, by which, if passed into a law, he would be deprived of property to a large amount, to which he was entitled, by the law of the land, under the will of his grandfather. On the order of the day, for taking into consideration the Lords' Amendments to the said bill,

Dr. *Phillimore* said, that he rose for the purpose of calling upon the House to concur in the amendments introduced into the bill by the House of Lords, and in so doing he could not deny himself the satisfaction of congratulating the House on the success with which their efforts had at length been crowned; and the opportunity which, after so many ineffectual struggles, was now, as it were, placed within their reach, of carrying into effect a salutary reformation which was imperiously called for by the best interests of society—a reformation which had for its object to restore to the marriage bond its true and indissoluble character; to give stability and security to property; to quiet and allay the apprehensions of hundreds of innocent individuals who had unwittingly incurred the penalties of a tremendous law; and to diffuse peace and happiness, and comfort throughout domestic life. Having this great object in view, he had to entreat the House not to reject the only means by which it could be accomplished. The amendments, however objectionable some of them might be, came singularly recommended to their notice. They were the result of protracted discussions in the other House—discussions every way proportionate to the importance of the subject; and they had been adopted after the most deliberate consideration that in our days had been applied to any bill which had been sent from this House to the other branch of the legislature. Within the last five years three bills had been sent to the House of Lords on this subject, varying in form from each other, but agreeing in substance. All these were rejected; but on the present occasion the House of Lords had not only adopted this the fourth bill, but with the zeal and enthusiasm which generally characterizes those who are suddenly converted to new opinions, they had carried the principle of reform infinitely farther than the House of Commons had contemplated. This circumstance had necessarily led to considerable alterations in the bill, and to the introduction of many formalities which had not been thought necessary by the Commons.—The difference in the substance was this: The act of 1754 had declared, that all marriages had without certain consents, which were set forth, should be null and void for ever. The House of Commons had said in this bill, they should only be null during the minority of the parties, and only liable then to be annulled at the suit of the parent or guardian. The House of Lords had gone a step farther, and said there should be no such thing as nullity of marriage. Leaving, therefore, the first clause in the bill in the state it was sent to them from the Commons, which abolished the nullity entirely, they had substituted in the place of the second clause (which limited suits of nullity to the minorities of persons marrying without consent) eight clauses—interposing, instead of the *impedimentum dirimens* (as it was termed by the canonists) *impedimenta impeditiva*, which imposed on the minister and the surrogates the duty of not proceeding in the marriage till certain requisites should be complied with, which, however, if omitted, would not invalidate the bond after the marriage had been solemnized.—The hon. and learned gentleman then explained the amendments at considerable detail, and said he had no hesitation in admitting, that the abolition of the nullity entirely was the sounder principle of legislation, provided it could be effected with due protection to those who, by reason of their tender years, could not protect themselves from artifice and fraud. He then expatiated on the advantage of upholding the sanctity of the marriage bond, and on the evils which had been introduced into society from the frequency of nullity causes, which had vilified and degraded the marriage ceremony in the eyes of the people, by showing that it was even possible for those who had long cohabited as husband and wife, and who had numerous issue, to rend asunder the ties which had united them, and to bastardize their children.—He next proceeded to the retrospective

clause, and pointed out that the House of Lords had, by the introduction of a few words, carried the principle of that clause farther than the House of Commons. The retrospective operation was originally confined to marriages actually subsisting: the House of Lords had extended it to all cases of marriages had since 1754, except where property had been transferred; where other marriages had been contracted; or where marriages had been pronounced null, either directly or incidentally, by any court of competent jurisdiction; and to carry into effect these provisions they had appended four new clauses to the retrospective clause.—The hon. and learned gentleman then adverted to an objection which had just been taken (on the presenting a petition) to the amendments; namely, that there was no precedent of the House of Commons having passed a bill as much amended as this had been by the House of Lords. But, by a singular reverse of circumstances in the history of legislation, it so happened, that the Marriage act of 1754, which originated in the House of Lords, was as much altered by the House of Commons as the present bill had been by the House of Lords. He then stated many circumstances connected with the discussion of the Marriage act in 1754 in that House; and, amongst others, that after the bill had passed the committee, one of the most determined opposers of the measure held it up in his hand streaming from beginning to end with red ink (for all alterations in committees were at that time made in red ink), and said,

"Look! in this place ran Cassius' dagger through:
See what a rent the envious Casca made:
Through this the well-beloved Brutus stabbed."

But what was the conduct of lord chancellor Hardwicke on that occasion? Baffled and disappointed as he was, to see a bill which had originated with him, returned to the House of Lords so mutilated that he could scarcely recognize it; he nevertheless entreated the House to pass it in the shape in which it had been returned to them, for the sake of the point gained by it, and to leave to a future parliament the task of correcting the errors and inconveniences with which it was evidently embarrassed.—The hon. and learned gentleman then called upon the House to follow lord Hardwicke's example. He said he should be dealing most uncandidly with the House if he did not distinctly admit, that many of the alterations introduced by the Lords were very objectionable. The clauses in point of style were obscure and verbose, and abounded with unnecessary repetitions; in point of substance there was an unnecessary multiplication of oaths, and there were many regulations which he thought would be found harassing and inconvenient in their practical operation. He instanced the 5th clause, as so drawn as to be scarcely intelligible; but he said it would be unworthy of that House, on account of the style in which the new clauses were drawn, or of technical objections, or even of the higher inconveniences which he had noticed as likely to result from the operation of the act, to hazard the loss of a great principle for which they have hitherto struggled in vain. The provisions of the act might create difficulties, but they inflicted no positive evil on society, and all the inconveniences might be corrected and amended by subsequent legislation. Besides, looking to the species of opposition this bill had experienced in another place, they must not conceal from themselves, that the question really at issue this night was, whether they should pass the act in its present shape or not pass it at all. A verbal alteration might be fatal; as that alteration might elsewhere be proposed to be read that day six months. He held it essential to the credit and character of parliament, that the bill should pass. He was no friend to theoretical or visionary alterations of the law; but where an evil was demonstrated, he would always struggle for the correction of it. Those who opposed themselves to all alterations, who resisted those improvements which lapse of time and change of manners rendered necessary, were, in his opinion, the most dangerous enemies of the state. They were the persons who held out to speculators and reformers the best chance of overturning the constitution of Great Britain. High as the credit of parliament was with the country, he was convinced it would be higher if they passed this measure. The educated and thinking portion of the community looked to it with anxiety, as the triumph of principle over narrow and illiberal prejudice. All who were interested in the security of property and the comfort of domestic life, were interested in the success of the measure. He trusted, therefore, that they would not allow the dread of minor inconveniences to prevail over a great peculiar good, but

give their assent to the amendments in the exact shape they were sent to them, as the only means of compassing the great object they had in view.

Dr. *Lushington* trusted that the House would pause when it reflected that this measure repealed all that had been done since the year 1754, in a manner perfectly novel and impracticable. The present was the only occasion when the House was afforded an opportunity of reconsidering a subject that affected property and interests to an immense amount. It was singular that there were only twenty lines of the original bill left, while ten pages of new and undigested matter was added by their lordships. Some parts were so confusedly worded, that it was wholly unintelligible. It was not less remarkable, that, if the principle of the bill were good, it had not been extended to Ireland. The learned doctor then proceeded to point out the injustice which would be inflicted on various individuals under many of its clauses. It would affect most injuriously a great deal of property, the inheritance of which depended on contingent remainders. Many individuals vested their money in the purchase of reversions, and contingent reversions, depending on parties not marrying, whose interests might be materially injured by this bill. He then commented on that part of the bill which provided that perjury committed for the purpose of procuring a license should be punished with transportation. It held out a strong temptation, when family disputes occurred, for one of the parties, where perjury had been committed, to inform against the other, and to untie the marriage knot, by having recourse to transportation. But it was not only the party, but the person granting the licence, that was in danger of a misdemeanour, if he neglected any one of a number of forms, which no one could be sure of having complied with. He happened to be the surrogate under the bishop of London, and he declared, that, if this bill passed, all his friends should die bachelors before he would grant them a license. He had heard a noble lady had had a great hand in framing this bill; and it certainly appeared to him to savour more of a feminine than a masculine mind. It was curious too, that, under whatever circumstances of fraud a marriage by banns was celebrated, there was no transportation, and the marriage was valid even if the banns were published under names entirely different from the real ones of the parties. The whole object of the publication of banns was thus defeated. It had been acknowledged by one of the warmest advocates for the bill, that there was obscurity in some of the clauses. Good God! obscurity in a new marriage law! He was convinced that no one who had not studied the measure thoroughly, could foresee the train of evils which it would be attended with; and he conjured the House, not for the sake of remedying one mischief, to lay the foundation of innumerable mischiefs. He hoped that no man would give a vote in favour of the bill, who could not lay his hand on his heart and say, that he understood its enactments and its effects. He moved, "that the amendments be read a second time this day six months."

Mr. *Plunkett* said, he perhaps did not understand every sentence in the bill, but he believed in his conscience that it would do great good, by removing a system whose principal features were manifest injustice and gross cruelty; and he also thought that any inconveniences to which it might give birth might very easily be cured. The hon. and learned gentleman said, "Adhere to the ancient law of the land, and resist this innovation." He would say, "Let us return to the ancient law of the land, on which the existing Marriage act is an innovation." The Marriage act passed in 1754 was an innovation on the ancient and indubitable law of this country. That act was introduced by lord Hardwicke, to prevent the children of distinguished families, in their minority, from forming unsuitable alliances. It was clear that the evil which it was intended to meet could not be very extensive, and, in his opinion, it might have been cured by judicious moral restraint. For his own part, he knew no better mode of preventing such a mischief than by good example, and the application of mildness and temper. He did not mean to say, that legislative authority might not be beneficially resorted to on such an occasion; but it ought to be used for the purpose of forming such guards and securities as would prevent the offensive act from being done, instead of sending forth a bill, like that of 1754, which was so loosely framed, that an improper marriage might easily be effected, and which visited with punishment both the innocent and the guilty. That act left it in the power of those persons whom it was the object of

the legislature to restrain from unsuitable marriages, to effect the object they had in view, if they either wilfully or mistakenly took a false oath. It left it not in the power of the parent, or guardian of the minor, or of the clergyman, to prevent the marriage, or to inquire into the truth of the minor's allegation. All that was necessary was his oath. The present bill left it not to the party himself. It required that his age, and the consent of his parent or guardian, should be verified by the affidavits of third persons. The act of 1754 had not the effect of punishing the author of a fraud: no, it visited with punishment a remote and unoffending posterity. It made the offspring of certain families bastards; it destroyed their inheritable blood; and, as estates could not devolve on them, they must either go to some other branch of the family, or if it had become extinct, the property became vested in the Crown. It was a monstrous act, and he rejoiced that the present measure would put an end to its operation. It was an act undistinguishing and merciless—it was an act punishing the innocent and rewarding the profligate—it was an act cutting up all the relations of life—it was an act unsettling property and destroying the peace and happiness of society. The learned doctor had described, most pathetically, the distress which must afflict a noble family when any of its branches formed a rash matrimonial connexion. He could feel for the distress of parents and relations on such an occasion; but he could not bring himself to remove that distress by hurling ruin on those who had not offended. Let the learned doctor look to the incalculable misery which the present law heaped on the other side. Could the distress of a disappointed family be placed in competition with it? Were not disgrace and infamy, under the existing act, introduced into the bosom of families which had before been the abode of innocence and virtue? Did it not bring ruin and discredit on those who, in the first instance, had no means of averting the act which was visited with so much calamity? He was surprised at the resistance the bill had met with in the other house, from one (lord Stowell) who had long been the ornament of this house, and who had been deservedly raised to the peerage. His opposition to the measure was a melancholy proof that neither strength of mind, extent of learning, nor maturity of experience, were capable of eradicating deep-rooted prejudices. Three objections were raised against the present bill:—first, that the principles of our legislation were decidedly hostile to *ex post facto* laws; second, that if this bill were to have a retrospective effect, it ought to provide for the rights of property, which it did not; and third, that if those rights were not attended to, it ought, at least not to affect by its operation suits which were now pending. Now, he denied that it was against the practice of our legislation to frame bills that operated retrospectively. When laws were made which encroached on the common law, which affected the rights of individuals, and which were found to be unwise or dangerous, it was erroneous to say, that the practice was not to remedy them by retrospective laws. A memorable instance of this was to be found in the repeal of the popery laws, both in England and Ireland. When certain recovery laws were repealed in 1781, did the act of repeal merely say, that they should not operate in future? No; it went back, and relieved those who had been subject to their operation, with a few special exceptions. With respect to the effect which the present measure would have on property, especially that which depended on contingent remainders, the learned gentleman must know that the act of 1754 was not passed with the most distant view to the security of those who were interested in that species of property. Measures connected with this very subject, and having a retrospective effect, had already been sanctioned by the legislature. Witness the bills introduced by lord Hertford and bishop Horsley to legalize certain marriages solemnized by banns, in chapels where marriages had not been solemnized previously to 1754. By the 12th Charles 2nd all marriages solemnized between 1642 and 1660 were rendered valid, though many of them took place under circumstances that made them void. By the 3rd of Edward 6th, and by the 5th and 6th of the same king, it was declared, that the marriages of priests were, to all intents and purposes, valid and effectual. It had not been thought affrontful to the House of Lords to propose dealing with legitimate issue in point of property, as if they were illegitimate. By passing an act of this kind the House would proceed so far in disentangling our laws from technicalities. He would follow the example of lord

Hardwicke, who had said that there were clauses introduced into the bill of which he did not approve, but he would take it "for better and for worse."

Mr. *Hudson Gurney* entirely approved of the retrospective part of the bill, but reprobated the clauses added by the lords, as necessarily leading to perjuries without number, and which he hoped and trusted another bill, if this must be passed, would be brought in to remedy. At the same time, he thought the best measure would be, the simple repeal of the Marriage act, leaving the law as it formerly stood, and analogous to that in Scotland, where there were, after all, as few imprudent marriages as there were here.

Mr. *Wetherell* objected to the retrospective clause, as an unconstitutional innovation on the rights of property. With respect to the acts alluded to rendering the marriages of priests valid, they could not be cited in support of the present measure, because at the Reformation the whole code of popery laws fell to the ground, and the restrictions imposing celibacy on popish priests of course fell to the ground with them. He objected to the bill on constitutional grounds; for if a man's right to property could be taken away by an *ex post facto* law, it was impossible to limit the operation of such a precedent, and men might in a short time be punished criminally by an *ex post facto* law. It was notorious to every man, both in and out of that House, that the present measure was not founded upon general principles of legislation, but had been introduced for the express purpose of meeting an individual case. His hon. and learned friend had expressed just reprobation of canvassing for a private bill. He thought it a hundred times worse to canvass on a public bill. But it was notorious that this bill had an aspect to a particular case now under litigation. What, he would ask, was the old law, which this bill was intended to replace? Was it not framed by lord Hardwicke, one of the greatest men this country ever produced? And was not the present bill opposed by the lord chancellor of 1822, whose legal knowledge and high acquirements rendered him equal, if not superior, to his great predecessor? He admitted that the feelings of parents were exposed to deep injury by the operation of the existing law, and his mind required no moralising, humanising influence, to make him regret it as deeply as any one; but such regret would not induce him to throw aside the principles of established law, and to disregard the constitutional rights of property. He could also meet the supporters of this bill upon the score of feeling; for although some parties would be relieved by its operation, yet it would impose on others a degree of hardship almost intolerable. He also objected to placing such a power in the hands of the Crown, as that of declaring whether property should or should not descend to the children of parties whose marriage had been irregular and contrary to law. What a monstrous power it would put into the hands of ministers! It was no less a power than that of declaring whether the offspring of a marriage should be legitimate or spurious. And, might there not be cases of an exactly similar character, in which policy might dictate different courses, while justice demanded an equality of treatment? Thus, with the same rights, one party might be admitted to the enjoyment of property, while the other was excluded from it. He conjured the House not to pass the bill with the indecent haste which was now proposed.

Dr. *Phillimore* denied that the bill had been prepared with a view to any particular case, and maintained that its retrospective operation was not so decided as that of the measure of 1817.

The *Attorney General* resisted the amendments. The act, as it now stood, differed totally, except as to two clauses, from the bill passed by the House of Commons. The alterations introduced were pregnant with mischief. The existing law might press hard in particular instances; but let the House look at the measure to be substituted for it. The mode in which the prospective clause provided for the protection of minors in future, was really worthy of the attention of members. Suppose the kind of case against which the act provided. Some man took advantage of a girl of fortune's inexperience, and by fraud or perjury, inveigled her into an improvident marriage. Under such circumstances, the whole personal property of the woman came into the possession of the husband. Now, how did this new law propose to punish such an offender? It transported the husband for life, and so deprived the wife of her protector; it confiscated the whole of his property to the Crown, and so robbed her of those means which had

only vested in him by his marriage with her. And let the House consider the situation in which parties were placed. The fact of fraud in a marriage might be discovered years after it had taken place; and the private malice of a third person might plunge a whole family in ruin. The question, then, was not, whether there were evils in the existing law, but whether the House was disposed to introduce greater evils in order to remove them. There were enactments in the bill, so absurd, that it was impossible they could be complied with. Licenses were not to be granted but upon the taking of certain oaths. If one of the parties was 21 years of age, he was to swear that the other was 21 also. The learned doctor denied that the bill had been framed to meet any particular case: but it was impossible not to perceive, that there were persons who looked forward to the bill with interested motives. What would the House say to the clause enacting that, before banns could be published, "the names of the parties and the houses of their abode should be fixed upon the door of the parish church?" The effect of the retrospective clause was, to make no difference between cases of absolute perjury and cases of ignorance or neglect; but at once to make valid all marriages, whatever their character, since 1754. The evils which must arise out of the passing such a measure divided themselves into ramifications into which it was scarcely possible to follow them. Was it just to benefit a wilful violator of the law at the expense of parties who had never violated the law at all? However he might consent to a change of system for the future, he never would consent to the violation of existing contracts. It was a measure full of importance, and one upon which the House ought to pause.

Sir *J. Mackintosh* said, it had been asserted that the votes of members had been canvassed on this bill. If that were the case he was in ignorance of it. No man had presumed to canvass him upon the subject. He knew of no parties to the measure in any way; but when he saw the great injustice of the present law—when he perceived its immoral tendency—when he perceived the conduct of individuals who sought to take advantage of that injustice—when he saw one branch of a family endeavouring to destroy the honour, the dignity, the wealth of another, for the sake of personal gain, he could not but raise his voice against an act which sanctioned such evils. To him it appeared that the amendments of the Lords had rendered the bill less objectionable. The law as it now stood with respect to nullity of marriages, was one, the intensity of whose punishment acted inversely in proportion to the innocence of the parties on whom it operated. It was asked, "will you validate that which has for 70 years been invalid, and which has been rendered so by the perjuries of individuals years ago." He would answer, yes; and for the sake of those parties who were innocent of such perjuries. Was it to be supposed, that for some informality, some technical objection, the House was to go on rendering generation after generation illegitimate, until some near relation at the end of sixty or seventy years should take advantage of the first informality, for the purpose of making that property his, which in strict justice belonged to others? He was one who would not disturb the security of property; but it was because he was so, that he would support the amendments of the present bill. This was not a particular, but a general law, and its effect on particular individuals ought not to militate against its general application. It was said, that it was retrospective; but were there not numerous precedents for such laws? The House was told to look to the law authorities on this subject. If they were to inquire what was the law, they might quote authorities and precedents, and be bound by them; but if they were to consider what ought to be the law, they should discard black letter, and look to the natural feelings and principles of mankind. This bill ought not to be one of divorce between patrimony and matrimony; it was a question between legitimacy and succession; and he contended that it would be violating all the laws affecting that state, if the child were to be made a pauper, inheriting his father's name and honours, and every thing except his property. He wished to caution the House against being led away by the feelings of persons who were learned in the law, for they generally had a prejudice in favour of what was law, and were opposed to any alteration. Surely it would not now be contended, that what was law might not be beneficially altered; and if alteration were admitted, the question would be, how far it was to go? In the present case, it would go for nothing if it

did not act retrospectively. The security of property, instead of being less, would become greater by this bill. The great object of all law in this country was secure succession and possession. The retrospective clauses were entitled to the support of the House, because they tended to repair the injury already done, and because they went to secure property and succession.

The Marquis of *Londonderry* said, he supported the present bill, because he thought it was calculated to repair injuries which had been done by the former act. It was said to be introduced to meet a particular case. If he were to support it on that ground, he should consider himself disgraced; but it ought to be no objection to the bill, if there was a case of such manifest oppression from the existing law, as forced an attention to the law, and the necessity of its amendment upon the consideration of the House. He would contend, that the hardships inflicted by the existing marriage act were greater than those inflicted by the law of attainder, inasmuch as the latter were capable of mitigation, and the former were not. Under the marriage act, the offence was latent, and might escape observation for more than one generation. As soon, however, as it was discovered, the consequences were irremediable; the party, to whom the property had descended, forfeited it; there was a defect in his blood, which immediately transferred his fortune to his collateral relatives. In the case of attainder, however, the treason was open and notorious; the blood was at once known to be tainted; the property devolved to the Crown, which in its leniency generally restored it to the family of the offending party, after the withholding of it for a few years had satisfied the purposes of public justice. Indeed, the principle of forfeiture, as acknowledged in the marriage act of 1754, was a most outrageous dereliction of all true principle, because it inflicted a heavy punishment, not upon those who had committed, but upon those who were perfectly free from any offence. If they felt that the existing law of marriage was more cruel in its operation than the law of treason, they were bound, in justice, to repair by a retrospective clause the evils of which they had already made themselves the authors. He knew that, in passing a retrospective law which was to affect property, he was calling on the House to tread upon delicate ground; but still it was possible, that by adhering too closely to a general principle, they might do more mischief than by boldly transgressing it. He trusted, that they would not allow any general argument upon the inviolability of property to tie up their hands in this case, and to prevent them doing justice to those whose interests had been cruelly affected by their past legislation. He saw the horrors which the act of 1754 had already inflicted, in so dreadful a point of view, and looked forward to the still greater horrors it was certain to occasion, with so much alarm and anxiety, that he was ready to make every effort in his power to get rid of a measure which he considered to be much more severe than the law relative to high treason.

Mr. *Canning* stated, that he voted for this bill on the ground of expediency. He did not altogether approve of its enactments, but he saw, that if it were not passed now, no amendment would, in all probability be made in the act of 1754, which every body allowed to be cruel and defective. If it were passed in its present shape, it would, he was confident, be found so incompetent to the purpose for which it was framed, that it would be necessary to bring in a bill in the next session to amend and explain it. In the hope, therefore, of obtaining a better legislative measure on the subject of marriage than was to be found either in the existing law, or in that which it was now proposed to substitute for it, he should vote in favour of the present motion, with no thanks to the lords for the amendments, but with thanks to Providence, for having got back their bill at all.

The House divided on the question, That the Amendments be read a second time; Ayes, 122. Noes, 20. The said Amendments were read and agreed to.

HOUSE OF COMMONS.

Monday, July 15.

MARITIME RIGHTS—DETENTION OF THE LORD COLLINGWOOD.] The Marquis of *Londonderry* said, he would take that opportunity of replying to the questions which a learned gentleman had proposed to him on a former evening, on the subject of the detention of the British vessel the Lord Collingwood by the Spanish authorities at Porto Rico. He had since

learned, that government had obtained intelligence of the detention of the vessel at Porto Rico; immediately upon the receipt of which they addressed a representation upon the subject to the Court of Spain, through the British Ambassador at Madrid. The reply to this representation was, that they knew nothing of the detention of the vessel, nor of the blockade, for the alleged infringement of which she had been captured. Since this period, the condemnation of the vessel had been made known to government, who had now sent instructions to the British ambassador at the court of Spain, to make the strongest representations against the condemnation of the vessel. When an answer should be received, no time would be lost in adopting such measures as might be considered necessary to support the honour and dignity of the country. He had no hesitation in saying, that he did not think Spain was entitled to detain British vessels, trading with those parts of South America which had declared themselves independent, and had obtained a recognition of their independence from other nations.

Sir *J. Mackintosh* observed, that the answer of the noble marquis must prove extremely satisfactory to the country. It was particularly desirable that the commercial interest should be informed that they would be protected in the exercise of their lawful rights.

CAUSE OF THE GREEKS.] Sir *J. Mackintosh* said, he held in his hand a petition which he considered to possess peculiar claims upon the attention of the House. The petition proceeded from certain inhabitants of Lees, in the parish of Ashton-under-Lyne, and referred to the sufferings of the Christian Greeks, and the oppressions of the Turkish government. The sentiments contained in the petition were those of all the inhabitants of Great Britain, who at all thought upon the subject. He was sure that the feelings of the people of this country would have been manifested at a more early period, and in a more general manner, if it had not been for the difficulties which opposed themselves to any measure calculated to give a practical effect to those feelings. A simultaneous effort of all the powers of Europe, and an immediate one, could alone be effectual to the cause of these unhappy sufferers. The only security that England or any other power could take from Turkey, as to any thing like forbearance from these excesses for the future, must be territorial security; for with an angry and barbarous government, with the sword in its hand, parchment, words, and promises, it would be idle to rely upon. In the mean time, any effort on the part of England, even if it should fail, would be honourable to her.

Mr. *Hume* wished to ask whether it was true, that the Greeks, in their endeavours to escape from the persecution of their oppressors, by taking refuge in the Ionian islands, had been forcibly expelled from thence by the British government in that station? He would also call the attention of the noble marquis to the fact, that a Turkish frigate was now fitting out at Deptford, with all the stores, ammunition, and arms of a warlike description that could bring her crew and company within the operation of the Foreign Enlistment bill. He had seen a sailor that morning, who told him that he had entered himself on board this Turkish frigate. Now surely it was the duty of ministers, to exert the same activity in prohibiting the subjects of this kingdom from entering themselves aboard a Turkish frigate, which they had manifested in regard to those who had been desirous of enlisting in the service of Naples or of Spain.

Mr. *Wilmot* was not aware of any measures which had been taken by the government of the Ionian islands that could have had the effect of preventing the reception of Greeks in the situation alluded to. No official information of any such measures had been received by ministers. He was unable to satisfy the inquiry of the hon. gentleman in regard to the Turkish frigate, in consequence of the absence of an hon. baronet, by whom it would be more satisfactorily answered.

Mr. *Hutchinson* said, that for their exertions to prevent a war between Russia and Turkey, he had felt disposed to give to ministers every credit. But if those exertions had been put forth only for the purpose of allowing the Turks to commit what havoc their barbarous ferocity might prompt them to, during the recess of the British parliament—if this had been done, in order to enable them with the more security and confidence to pursue the work of destroying the Greeks—if this had been the object of his majesty's ministers in England and in Constantinople, he proclaimed their conduct to be of the most abject, the most degraded, and the

most unmanly character. He called upon the House to answer to themselves and to the country, whether they felt assured, that during the recess, the Greeks would be free from Turkish oppression. If no genuine measure had been taken by government on behalf of this gallant and unfortunate people; or if, on the contrary, what had been done, had been done only to give Turkey the better opportunity of sweeping off her Grecian subjects, this government had adopted a course of proceeding which would ensure to them the scorn and execrations of all posterity. Earnestly and loudly, therefore, he would call—not upon his majesty's ministers—for from their policy, linked as it was with that of the continental powers, he could hope nothing; but he would call on such men as the hon. gentleman (Mr. Wilberforce) opposite, and from whom the cause of suffering humanity would always expect a consistent and vigorous support. He would call upon that hon. member, and on those other gentlemen who were accustomed to concur with him in their opinions, to declare whether a pledge ought not to be exacted from the ministers of the Crown, that such a course of proceeding had not been adopted. If it had, and parliament could permit it to pass unnoticed, he would appeal to that hon. gentleman whether they could expect the blessings of Providence on their future counsels and undertakings. Notwithstanding all the reverses which the cause of freedom and of happiness had hitherto sustained in Turkey, the success which had attended her exertions in Spain forbade him to despair of Greece.

Mr. *Wilberforce*, having been appealed to by the hon. gentleman, begged to assure him, that for the cause of the unhappy Greeks, it was impossible that any one could feel more warmly than himself. Indeed, he should hope that there could be but one feeling among generous and enlightened and Christian minds on their behalf. It was, in truth, rather a disgrace to all the powers of Europe, that long ere now they had not made a simultaneous effort, and driven back a nation of barbarians, the ancient and inveterate enemies of Christianity and freedom, into Asia. He was at all times far indeed from advocating war, unless peace could only be acquired at the price of disgrace and infamy. At the same time, he must declare, that he knew of no case in which the power of a mighty country like England could be more nobly, more generously, or more justifiably exerted, than in rescuing the Greeks from bondage and destruction.

The Marquis of *Londonderry* thought that the present was not a very fit occasion for the discussion of so wide a question as that into which gentlemen had been pleased to enter. It was really marvellous to see how the friends of peace could sometimes advocate the cause, and most unnecessarily, of war. His hon. friend, at all times conscientiously supporting the doctrines of benevolence and peace, was now disclosing to the House a problem, which was to relegate and to throw-back upon Asia a Turkish population of some 5,000,000 of souls. Now, whatever might be said about Turkish inhumanity, it did appear to him, that neither the crusade, which his hon. friend had proclaimed against the Turks, nor the sentence of transportation pronounced against them, were very likely to have the effect of expelling them from Europe. Gentlemen on the other side did his majesty's ministers great injustice, when they supposed that their exertions had been confined to mediating terms of peace between Russia and the Porte. The danger of Greece had not been lost sight of, and every thing which it was in the power of our government to effect, had been done. He could assure those gentlemen who appeared to possess a peculiar system for the better management of foreign affairs, that neither the government nor the country were so wild as to be prepared to take up arms with a view to the more effective and impartial administration of justice in the dominions of Turkey. But no effort had been neglected which it might have been hoped would either have prevented, or at least have softened, the horrors of a war, marked by atrocities that were equally disgraceful to Greece and to the Porte. He could not suffer the hon. gentlemen to deceive either themselves or the House, however, by proceeding on a supposition that all the horrors and atrocities were on one side of this contest, and that there was nothing in it for humanity to deplore, but the cruelty and barbarism of the Turks, and the sufferings and ill-fated amiability of the Greeks. The truth was, that, in this attempt to recover their liberties, as it had been called, the Greeks had done much which was to be regretted. The traits of ferocity and violence which had

distinguished the whole of this struggle were equally remarkable in the Greek and in the Turkish combatants.

Sir *R. Wilson* was of opinion, that if ministers would repeal their Foreign Enlistment bill, and give the spirit of honourable enterprize fair play, men would not be wanting to embark in such a cause. He would pledge himself that foreign aid would enable the Greeks to wrest their ancient territories from the Turks, and to take once more their station among the free nations of the world. He trusted that the noble lord would give directions to our government in the Ionian islands, at least to be impartial; for the fact was, that the hostile way in which our authority had been used against the Greeks, had rendered the name of England so odious among them, that not one Greek had yet ventured to solicit upon these shores assistance for his suffering countrymen.

Lord *A. Hamilton* said, that we were at least bound to preserve a strict neutrality between the Greeks and the Turks, but the conduct which our government had pursued had been altogether partial and oppressive.

The Marquis of *Londonderry* said, that the instructions of ministers to the government of the Ionian islands had been, that the strictest neutrality should be preserved in all transactions between the Greeks and the Turks.

Ordered to lie on the table.

Irish Insurrection Bill.] On the order of the day, for the third reading of this bill,

Mr. *Hutchinson* said, he understood ministers to declare, that they could do nothing for Ireland, but the passing of the Constables bill, the Tithe-leasing bill, and the measure now under consideration. If so, he had no hesitation in saying, that they had not done enough. The object of ministers ought to be, to make the people of Ireland wealthy and contented, and such was the purpose of Mr. Pitt at the time of the Union. What had been the fact? Martial law had since been declared, the Habeas Corpus act had been suspended, and the Insurrection act revived. In short, not one of the many promises made at the Union had been fulfilled. The country was now as dissatisfied as ever. Ministers had instituted no inquiry into the state of Ireland since the Union. Where was the equality of law that was spoken of? In what part of Great Britain would ministers have dared to propose a law like the Insurrection act? He had the greatest confidence in the marquis Wellesley; who, if he were not thwarted, would devise measures to strengthen and pacify. He (Mr. H.) was glad to find, that this law would be put into the hands of an enlightened magistracy; but there was nevertheless not enough in the late measures, to show that a radical change would be adopted in the system of Ireland. Things could not continue as they were. All that the opponents of this bill required was investigation. The hon. gentleman censured the nightly visitations authorized by the bill, and dwelt upon the scenes of distressing indecency to which it gave rise. The system in Ireland had been so bad, that the inhabitants had been compelled to be disloyal; and nothing but a full and fair investigation of abuses could lead to their remedy.

Mr. *Monck* objected to the bill, because he saw nothing in it of a remedial nature. In his opinion redundant population in Ireland was the great source of the existing evils, while the state of society was half civilized, half savage. The Irish gentlemen ought to do their utmost to introduce among the peasantry, a different mode of living, and to abandon the consumption of potatoes for grain. Ireland was competent to her own maintenance, and ought not to call upon England for any assistance.

Colonel *Trench* agreed, that the gentry ought to exert themselves to raise the peasantry of Ireland from their degraded condition. If a measure like the present was not resorted to, the troops would be frequently called out, and much bloodshed would be the inevitable consequence. The absentee system he looked upon as a very great evil. The people were, in fact, deserted by those who ought to be their protectors. He denied that the Irish gentlemen were unfit to hold the situation of magistrates. If improper persons got into the commission of the peace, they ought to be dismissed; but the conduct of such persons ought not to be attributed to the gentry at large. The Irish people, if judicious means were taken, were not incapable of civilization and improvement. A debt of gratitude was due to this country for the munificent subscriptions which had been entered into for the relief of Ireland, and he felt truly grateful to the Hibernian society, by whose efforts

schools had been introduced in the west of Ireland. Much, however, remained to be done. There was one crying evil to which the chancellor of the exchequer might apply a remedy. The evil was, the oppressive nature of the Excise laws; and the remedy, the toleration of small stills. If small stills were allowed, the revenue would not suffer, for those who were licensed to work such stills would take care that others should not destroy their trade by employing unlicensed stills of the same kind. He should support the present measure, because he believed it would be well administered.

Mr. *Wilberforce* gave his support to the bill, because he thought the situation of Ireland demanded it. The want of social order which prevailed in that country was truly lamentable, and he should be most happy if some comprehensive measure could be introduced to remove the evil.

Mr. *R. Martin* said, that the bill would not inflict any injury on the people of Ireland. It was asserted that by its operation trial by jury would be abrogated; but, in his opinion, that would be for the benefit of the accused. If an individual charged with the offences cognizable under this act were to be tried in a disturbed county, it must be either by a jury of those who had suffered from violence, or of men who were the prisoners' partisans. In either case, there would not be a fair trial. In the first instance, the prisoner was not likely to receive justice at the hands of an irritated jury; and in the second, the Crown stood no chance of a verdict. Under these circumstances, a man would rather be tried by a learned serjeant, than by a jury of the vicinage in which the offence had been committed.

Mr. *W. Smith* supported the measure, because it struck him, as being, in a great degree, a measure of mercy. He would always be ready to grant great powers to the Irish government, if he did not recollect, with feelings of sorrow and indignation, the abominable manner in which the extraordinary powers formerly granted to that government had been abused. He never could forget the dreadful practices for which the Indemnity bill was passed after the commotions of 1798. It was an indelible disgrace for the government to ask for such a measure, and for the parliament to grant it. He believed that the noble marquis at the head of that government was opposed to every thing that had the slightest tendency to an abuse of power. But the Indemnity bill had made such an impression on his mind, that he never could grant those extensive powers as a matter of course. The misgovernment on the one hand, and the misconduct growing out of that misgovernment, on the other, by which Ireland was reduced to such misery, could not be hastily removed. Half a century would be far too short a period for the removal of that series of misgovernment which had continued for four or five centuries, and to do away the evils which it had created and inflicted. The best cure for those evils was a general system of instruction. The burthen of relieving the poor had been taken off the shoulders of the church; but no rates were imposed, as in this country for their support. The whole system was calculated to brutalize the people of Ireland. While they had no clothing but rags, and no food but potatoes, they never would be contented or tractable in Ireland. Until he saw corn used, not as food for the still, but as food for man, his hopes for the tranquillity of that country would remain very low.

The Marquis of *Londonderry* said, that the present bill was one of those measures that were calculated to keep the extraordinary powers of government within some degree of rule and regulation. Why, then, on the discussion of such a measure, did the hon. member refer to a time when no such bill as the present was in existence? It was not liberal or fair to make such observations. In the absence of strong and efficient measures, the loyalists of Ireland, at the time of the rebellion, had no other way of defending themselves, but by taking the law into their own hands. At that melancholy period, many individuals thought they were doing good when they outstripped the bounds of law. He looked with pain and horror at some of their acts, but he denied that they arose from the abuse of any extraordinary powers which had been granted to the government. At a subsequent period, assisted by the attorney-general, he had brought in the Indemnity bill. And, when he brought down a pardon from the Crown for all those who had committed violence and spoliation on the persons and property of his majesty's loyal subjects, it would have been monstrous injustice if he had not also brought down a bill to protect the men who had adhered to the government of the country. Let not the hon. gentleman think that the bill was

framed to meet any particular case. No: it was intended to indemnify magistrates and others, who had exerted themselves to put down the rebellion. It did not prevent any man, who thought himself aggrieved by a magistrate, from bringing his case before a jury. What would the hon gentleman have said, if, having pardoned all the rebels, the Crown had left the loyal subjects of Ireland without any protection?

Mr. *S. Rice* said, it was desirable that the unfortunate circumstances attending the former rebellion in Ireland should be kept out of the consideration of the House; as the introduction of them could have no effect but to produce angry charges, and as angry recriminations. A rebellion in any country must necessarily lead to acts which were not justifiable; but when that rebellion was over, it appeared to him to be advisable to close the book.

General *Hart* contended that the distillery laws formed the greatest evil which Ireland endured.

Mr. *Bennet* said, that to shut the eyes to the past was not the best way to insure a wise legislation for the future. In his opinion, it was, above all things, desirable that parliament should keep steadily in mind the operation of laws of equal severity to the present in former times. Those laws ought to be contemplated, not as examples to be imitated, but as beacons to be avoided. The conduct which that House had pursued with respect to Ireland, during the present session, was, in his opinion, highly reprehensible. With the exception of a grant of money, not a single grievance had been redressed. He urged the hon. general to bring the subject of the Distillery laws under the consideration of the House next session.

Mr. *Goulburn* said, that this measure had been called a severe one, and so it undoubtedly was; but still it was mild in comparison with those which, in case of actual rebellion, must necessarily be resorted to. He would ask any hon. member whether, if, at the commencement of the session, the Insurrection act had not passed, it could for a moment be doubted that open insurrection and rebellion would have broken out? At that time, the parties against whom this act was directed, had actually encountered the king's troops; and it required no spirit of prophecy to foresee, that, if this strong preventive measure had not been adopted, all the horrors of civil war must speedily have ensued. The Irish government did not ask for the enactment of this law from any desire unnecessarily to increase their power. It was asked for, because the state of the country required it, and because it was a measure of prevention, and therefore of mercy. The Irish government solicited the re-enactment of this law with real reluctance; and he hoped that their efforts to tranquillize the country would be so successful, as to save him from the painful duty of again proposing its continuance.

Lord *A. Hamilton* said, that when he saw that not a tithe of the members of the House were present, and certainly not a tithe of the members for Ireland; he could hardly believe that the proposed measure was so indispensable as it was asserted to be. The chief secretary had referred the House to experience. Experience! of what? The only experience on the subject which he (lord A. H.) recollected, was the experience of one measure of violence succeeded by another of still greater violence. The turbulence of Ireland had been often and often ascribed to the misgovernment of that country. Nay, a right hon. gentleman (Mr. C. Grant), in a speech which would not easily be forgotten, had detailed disturbance after disturbance, and insurrection after insurrection, growing out of that misgovernment. Now, he would ask, whether that ought not to be a subject of serious consideration, before they proceeded to the enactment of a measure so severe as that at present proposed?

Mr. *Butterworth* thought the act, however severe, was a measure of mercy towards the peasantry of Ireland.

The bill was read a third time, and passed.

CONSULS IN THE BRAZILS.] On the order of the day, for going into a committee of supply,

Mr. *Hume* said, that in the course of the last session, he had brought forward certain statements connected with the British consulate in the Brazils, and on the 22nd of April, in the present year, he had produced a petition signed by 74 merchants in that colony out of 79, complaining of the exaction of extravagant and illegal fees. The noble lord opposite had expressed doubts as to the correctness of the statements contained in that petition; but he (Mr. H.) had dis-

tinct proof of their correctness. British merchants were paying in Brazil, an *ad valorem* duty of one per cent, upon every cargo which they carried into the ports of that country. Such a charge, perhaps, was unknown in any other part of the world; and if government persisted in allowing it to be levied, it would be impossible for us to compete with the traders of America. Complaints had been made in 1818, and the noble marquis had issued orders forbidding the levying of such excessive charge; but unfortunately, about a month afterwards, he had thought fit to countermand his restricting order. The consul-general, Mr. Chamberlain, had, between the years 1814 and 1820, received no less than 57,567*l.* The total of sums received by the consulate of Brazil amounted in the same six years to 90,274*l.*, and even that enormous mass of money was not more than two-thirds of the charge borne by the trade; for the vice-consul, who farmed his place, and did all the duty of the consul-general, took just whatever fees he thought proper to demand. It must be evident, that the Americans, who could import and export without duty, must beat the English out of Brazil, if this charge was continued; and it was the duty of Parliament to refuse voting a single shilling as long as so heavy a grievance remained unredressed. He should conclude by moving, "That it appears by the returns on the table of this House, that the sum of 77,624*l.* 13*s.* 4*d.* has been levied on the British Commerce in the Brazils, and received by his majesty's consuls there in six years ending 1820; and that they have also received, in the same period 12,650*l.* sterling, in salaries from England, making the total sum of 90,274*l.* 13*s.* 4*d.* in salaries and emoluments,; of which sum the consul-general alone has received 57,567*l.* 19*s.* 9*d.*; that, therefore, it is the opinion of this House, that such large salaries and emoluments are extravagant and unnecessary, and ought to be reduced."

The Marquis of *Londonderry* said, that on a former occasion he had stated, that these fees were about to be revised, and that they were then under consideration. He was willing to go into an inquiry on the subject; but he could not consent to postpone the public business until this complicated question was disposed of. He had a right to complain a little of the exaggeration of the hon. member, though he admitted that the allowances were proper to be inquired into. He had no objection whatever to produce all the correspondence which had taken place respecting the fees. The allowances and emoluments had become large in consequence of the increase of trade in that quarter; and no less than three attempts had been made by government to counteract this increase of expense.

Mr. *Baring* said, that if merchants in Brazil were to be saddled with such impositions, it was impossible for them to compete with the trade of foreign nations.

After some farther conversation, the motion, that the Speaker do now leave the chair, was put and agreed to.

NATIONAL MONUMENT IN SCOTLAND.] Lord Binning moved, "That the petition of the contributors to the National Monument in Scotland, for aid towards building a Church to be connected therewith, be referred to the Committee of Supply,"

Mr. *Hume* would put it to the House if this was the time to encourage by a gift of 10,000*l.* of the public money, the building of a Parthenon upon the Calton-hill at Edinburgh? The 100,000*l.* out of which this money was proposed to be taken, had been voted, not to build Parthenons but churches.

Sir *R. Wilson* thought it most indecent to talk in the present state of Ireland, of giving 10,000*l.* to build an ornamental temple.

Mr. *Hudson Gurney* said, it was with great regret he opposed the motion. So far from thinking under ordinary circumstances, that the erection of monuments of national magnificence was a waste of the opulence of a state, he considered them objects of the highest political importance. But, at the present moment, when we had had discussion, night after night, on the situation of the starving population of Ireland—when we had had complaint upon complaint of the general embarrassment of all classes in England and Scotland—it did seem impossible to come to a vote of giving 10,000*l.* to the decoration of a church in Edinburgh as a national monument. The erection of the English monuments voted in a moment of national effervescence at the conclusion of the war had been put off, *sine die*, wisely: and no man, he believed, would now think of commencing them. He had likewise another objection to the grant proposed—100,000*l.* had been voted

for the erection of churches in Scotland, in such districts as either by their great extent, or increased population, were, at present, unprovided with places of public worship, and also for endowing ministers to officiate in them when built. Now, the taking 10,000*l.* from a fund voted for these purposes, for the sake of applying it towards the building of a church of mere ornament in Edinburgh, did appear to him a misapplication of the money totally unjustifiable [Hear, hear!].

Mr. *Monck* said, that this magnificent, temple placed as it was on the top of a hill, might be good as an object to the inhabitants of Edinburgh, but was by no means so as a place of worship. He did not dispute the propriety of gentlemen erecting such a monument of their gratitude out of their own pockets; but he must object to wringing the money out of the purses of a people already overburthened by taxation.

Mr. *Bennet* said, that when he gave his consent to the grant of 100,000*l.* for building churches in Scotland, it was not for the purpose of gratifying the taste of the people of Edinburgh in splendid buildings. If they had a fancy to exhibit their taste to the world, he thought it but fair that they should indulge it at their own expense, and not out of the pockets of the people of England.

Mr. *C. Grant* was of opinion, that to grant 10,000*l.* for the erection of a splendid object in the town of Edinburgh, would be a gross misapplication of the public money. He could not help recollecting that there were several parishes in the highlands, full forty miles in extent, without a single church in them. The propriety of this grant ought to be submitted to the general assembly of the church of Scotland.

Lord *Binning* said, he should be the last man in the world to make the motion, if it would have the effect of depriving Ireland of any part of the assistance to which she had so strong a claim. But it was only intended to give a particular direction to money already voted by the House. The population of Edinburgh had considerably increased of late, and the increase of churches had not been in proportion. He would, however, withdraw his motion.

HOUSE OF LORDS.

Tuesday, July 16.

SMALL NOTES BILL.] The Earl of *Carnarvon*, on the order of the day for the third reading of this bill, rose to give the measure his support. If the passing of this act tended to throw an increased quantity of money into circulation, in so far its effects would be beneficial. As, however, the notes of the country bankers were to be payable in gold, the bill could have this effect only in a slight degree. He did not think, therefore, that it would have any material effect in counteracting Mr. Peel's bill. It was the only measure which had been brought forward for the relief of agriculture. He should be told that that distress was caused by superabundance of produce but he could prove that there was no superabundance. The noble lord then proceeded to quote from tables of prices current, the returns of cattle sold in Smithfield, the wheat in Mark-lane, and other documents, to show, that the state of the currency had alone influenced the rise and fall of produce. When the circulation diminished, the prices were low; when it increased, they were high; and agricultural prosperity had fluctuated with the currency. The noble lord next quoted the prices of the contracts of provisions for the supply of Greenwich hospital, from 1744 to the present time, to show that transitions from war to peace had never before had any extraordinary effect, and that there was no such thing as high war prices and low peace prices. He then adverted to the increase in the price of wheat, which was principally governed by the quantity of circulating medium in the country. This was clear from a reference to the prices of 1814, and down to 1819, since which they had been declining, owing entirely, as he contended, to the financial operations of the country, particularly to those of the Bank during that period. Early in 1816, the government, owing to the then alarming depression of agriculture, and the failure of several of the country banks, increased the circulating medium by a large issue of Exchequer-bills, which at once relieved agriculture. Unfortunately, however, in 1819, came Mr. Peel's bill, which, by the immediate contraction of the circulating medium, affected and depressed the agricultural interests. If, by returning to the old standard, they had produced the evil, why not retrace their steps? Let them make one more change—let them divide the loss and the gain, and substitute a standard better suited to the capacity of the country as it now ex-

isted. The committee of 1815 ought to have ascertained that the people could bear the weight of taxation under the pressure of the projected change in the currency. This measure if carried to its full length, would go to the confiscation of the whole landed interest. As to the supposed injustice of a revision of the standard to the public creditors, he denied that any such result could follow. With what grace could ministers talk of the inviolability of faith which they were ready to maintain with the public creditor, when they had already, by their arrangements respecting the sinking fund, taken from him the redeeming security which they had pledged themselves to uphold? If parliament separated without devising some measure of relief, the people would be left almost in a situation of despair. It needed but one or two seasons more under the present system, and every thing valuable possessed by the landowners and by the agriculturists would pass into the hands of other persons. He saw no remedy for the existing grievance short of parliament retracing its steps, and giving an increased measure of currency to the country.

The Earl of *Liverpool* observed, that the present bill was not at all contemplated in the view of a particular remedy for agricultural distress. With respect to those distresses, he never did consider that they were to be attributed to the change in our currency, effected by the return to cash payments. It was not one cause that was at work, but a variety of causes combined, all growing out of the greatest change that had ever occurred in the history of nations, within the memory of man. Who that contemplated the character of the late war could for a moment think of comparing the events of that war, and the state of things growing out of it, with the events and effects of any former war? He had never complained of over-production, nor did he undervalue the blessings of an abundant harvest. His argument was, that the artificial causes arising out of the state of Europe, had forced a great portion of the poor lands in this country into cultivation, the high demand at that period having insured to the cultivator a remunerating price. It was impossible that the profits of those who had so extensively cultivated the poorer soils, should not have experienced a great depression with the cessation of the war demand. The expenditure of the Victualling office alone was two millions, in the purchase of corn and cattle. Take such a customer out of the market, and a considerable over-production would remain on hand? When it was recollected, that from 1819 to the time he was speaking, there had been no foreign corn imported, and when to this was added the great increase of importation from Ireland, was it not evident that there must be a vast over-production? The noble earl had recommended a change in the standard of the currency, as a remedy for the agricultural distress. Let not the House conceal from itself the true character of such a remedy. Let it not disguise from itself that, whether by changing the standard, or at once diminishing the interest of the public creditor, they were in fact committing a partial act of bankruptcy. He agreed with Adam Smith, that states, if unhappily incapacitated from fulfilling their engagements, should act as honest individuals acted, who, when they were unable to pay 20*s*. in the pound, exposed their affairs to their creditors, and gave up all they possessed in liquidation of their debts. Better at once adopt such a course, than resort to a depreciation of the standard of our currency. When these loans were contracted there was a positive stipulation, that after the termination of the war, the country should revert to its ancient standard. But, though the agricultural interest sustained a great pressure, it was to be borne in mind, that the other great classes of the community had endured all the pressure of the war. True, there was a great change in the disposition of property; but he denied there was any diminution of the national wealth. One very important class might and did suffer; but, while the other great interests improved, that improvement made it certain that the suffering class would speedily right itself. There was no diminution of the capital, the skill, the industry, and talent of the country; and, seeing all these in full operation, he objected to any change which would put to hazard those great springs of national prosperity.

Lord *Calthorpe* contended, that there was in the machinery of the act of 1819, some unexplained obstacle, that counteracted that self-restoring energy which was the characteristic of this country under all its vicissitudes.

The bill was read a third time and passed.

HOUSE OF LORDS.

Wednesday, July 17.

GREEK HOSTAGES AT CONSTANTINOPLE.] Earl *Grosvenor* said, that the House had been occupied during the present session in inquiring into the distresses of agriculture in this country, into those of nearly the whole population of Ireland, and into the state of that most disgraceful traffic, the Slave-trade, which, to its immortal honour, parliament had abolished, and which England was endeavouring to prevail upon other nations to abolish also. He trusted, therefore, that their lordships would not think it unworthy of their dignity to consider the state of unfortunate Christian slaves, on whom cruelties had been committed, which had excited the greatest horror throughout the country. He should not enter into the causes of the war between Turkey and Greece, and should not examine whether it had arisen from the voluntary impulse of the latter, or from the intrigues and treachery of Russia. All that it was necessary to know was, that such an horrible warfare existed; and all that it was important to ascertain was, whether by adopting a different system his majesty's ministers might not put an end to it. However this might be, no sooner did it appear that Russia was not going to war, than that moment had been chosen by the Turks to massacre or lead into captivity the whole population of Scio, and to murder the hostages from that island at Constantinople. It was said that a pledge had been obtained from the Divan by the British ambassador, that these anticipated cruelties should not be committed, and this assertion had not been contradicted. That pledge, however, if it had really been given, had been set at nought, and the apprehended atrocities had taken place. He did not mean to say, that that should be a cause of war; but it would justify this country and all others in withdrawing from any connexion with such detestable barbarians, and drawing a *cordon sanitaire* round Turkey. But, if ministers would not break off all communication with Turkey, they ought at least not to show it any favour. They professed that they had not done so; but strong suspicions to the contrary prevailed. Let their lordships look at the Turkish frigate which was now arming in the Thames. If it were true that ministers had furnished it with arms and ammunition, or had connived at the employment of a single Englishman on board, let them recollect that they were amenable to their own Enlistment act, and might fall into the snare which they had spread for others. He should be told that whatever cruelties the Turks had committed, the Greeks had also been guilty of some. Tripolitza, however, was the only place where that charge could be maintained against the Greeks: and even there the most horrible atrocities had been committed by the Turks upon numerous Greek hostages, before the capture of that city. So that cruelty had provoked cruelty. There was no part of England where the people did not feel anxious for the success of the Greek cause. He attributed the extraordinary conduct of his majesty's ministers to their apprehensions of the increasing strength of Russia. No doubt she might be endeavouring to extend her dominions towards the West, and to assume a power on the sea, to which it would be lowering the dignity of England to submit. But, whatever fear of her might be entertained with respect to Poland and other parts, none could be excited by Greece. On the contrary, if all nations united in making Greece an independent state, it would become a barrier against which the gigantic power of Russia would be broken. But even if this were not the case, he would rather risk any thing than allow the Turks to accomplish the subjugation of the Greeks. The noble earl concluded by moving, for "copies or extracts of all dispatches received from his majesty's ambassador at Constantinople, relative to the execution of the hostages there and at Scio."

The Earl of *Liverpool* could scarcely believe that there was a precedent for such a motion. The question was, an act of cruelty committed by the government of Turkey—on whom?—on its own subjects. What right had this country to interfere with the conduct of another government towards its own subjects? How far might not such a principle be carried? Let it be supposed that an insurrection in this country had rendered the employment of a military force necessary to put it down, and that it had been done under circumstances which appeared highly cruel to foreign nations. What would their lordships say, if the ministers of France or of Spain interfered in a case between the government of England and its own subjects? There were cases in

which a nation might interfere with the internal concerns of another; but that was only when her own safety was at stake. But did he mean to say, that if a great act of cruelty were on the eve of being committed, and that it was in the power of a British ambassador, through the personal influence with which circumstances might have invested him to prevent it, he should not use that influence for such a purpose? Far from it. And there was no one who knew lord Strangford, who would not believe that he would exert all his personal influence to prevent enormities of that kind; but not on the ground of right. Indeed, he was persuaded, that by adopting the motion of the noble earl, instead of facilitating such interference in future cases, the House would prevent it from having any effect; as it was not on public right that it ought to be founded. He should not enter into the nature of the contest between the Turks and the Greeks. It was true that most horrible scenes had taken place; but the noble earl was mistaken if he believed they were all on one side, and that with respect to the transactions at Scio, the first horrors had been committed by the Turks. This, he would admit, was no palliation of the conduct of the latter, and still less of the flagitious act perpetrated at Constantinople. With respect to the charge of partiality on the part of his majesty's government, it was unfounded. They had observed the strictest neutrality. There was undoubtedly a vessel here, but it was a Turkish frigate sent by the Pacha of Egypt antecedent to the insurrection of the Morea, partly laden with merchandize, and partly with curiosities for the British Museum. She had come in the character of a merchant vessel, and having brought those articles to this country, had undergone the necessary repairs. She had afterwards applied to be armed; but arms, stores, and all kinds of ammunition had been positively refused. Such was the real state of the case on which a charge of partiality had been grounded.

Lord *Holland* conceived that the noble earl must have misunderstood the words of the motion, when he had taken it for one of interference in the concerns of other nations, and had said that it had no precedent. It was nothing more than what the noble earl had done himself last year previous to discussing the affairs of Naples, when he had moved for the correspondence of sir W. A'Court, giving an account of the events in that country. His noble friend had asked whether it was true that the government of this country had guaranteed the safety of the hostages massacred by Turkey; and to this the noble earl had made no answer. There was no man of common feeling who was not interested in the success of the Greeks. He did not wish to interfere with the policy and conduct of this country, which must be regulated by circumstances; but if such an aspersion had been thrown on the character of Great Britain as that she assisted the horrible tyranny of the Turks, it became parliament to vindicate her and ministers themselves from a species of calumny most disgraceful to any country. He did not charge the noble earl with such a partiality; but if such a suspicion existed in Europe, it was his duty to justify the country by producing the correspondence of the British minister at Constantinople. If he could give as satisfactory an explanation on that point as he had done with respect to the Turkish frigate, why should the noble earl withhold it?

The Earl of *Liverpool* had not understood that any question had been put to him, whether the British ambassador at Constantinople had guaranteed the safety of the hostages from Scio. Now that he understood such a question to have been put, he had no difficulty in saying, that no such guarantee ever could be, or was given.

The motion was then negatived.

HOUSE OF COMMONS.

Wednesday, July 17.

BREACH OF PRIVILEGE—COMPLAINT AGAINST MR. HOPE AND MR. MENZIES.] On the motion of Mr. Courtenay, the order of the day for the attendance of John Hope, esq. was read. Whereupon he was called in; and the Speaker communicated to him the proceedings of the House of the 9th instant, in the matter of the complaint of a printed letter, signed John Hope, and addressed to Mr. Abercromby. The said printed letter being shown to Mr. Hope, he confessed himself to be the author thereof. Upon being informed by the Speaker, that if he had any explanation to offer to the House this was the time for doing so,

Mr. *Hope* said:—Sir, I beg to return my grateful acknowledgments to this

honourable House for the opportunity which has been afforded me, and of which I gladly avail myself, of offering some explanations for the publication of that letter which has been voted by this House to be in breach of their privileges.—Sir, it is not my intention, or my purpose, to state any thing which can be at variance with the resolution of the House communicated by you, declaring that letter to be in breach of their privileges. I am fully sensible that the letter may be construed as a breach of their privileges; though I hope there are many reasons which will induce the House to consider it rather as a technical and venial than as any serious breach of their privileges. And, Sir, with the feelings, and with the principles upon which all my opinions are formed—entertaining the most profound respect for this House—regarding its privileges as not less valuable to the people than to the representatives of the people—regarding the representative branch of the constitution with the feelings of one who values, dearer than life, the liberty which it has secured and maintained—with these feelings and with these principles, I own, Sir, that in the cruel situation, in which recent occurrences placed me, there was nothing which gave me more pain or more regret, than that the only effectual and direct course which I thought I could take to vindicate my own character and honour, led to that which may be considered an apparent act of contempt against this House. I am induced, however, to believe, that, in disposing of this case, you will have regard to the circumstances in which that breach of privilege was committed, and to the situation and feelings of the party who is to answer for it.

Sir, the House, I believe, is aware generally of the circumstances in which this breach of privilege was committed; and I hope they will give me credit when I state, that that letter was not published with any view of contemning the authority, or of invading or decrying the privileges, of this House. My object was, the vindication of my private and professional character and of my public conduct, and the correction of the mis-statement—as they appeared to me, the unaccountable and unjust mis-statements, upon which grave and serious imputations had been founded.—Sir, in that publication which went forth into the world as the report of a recent discussion in this House, there were accusations against me, founded on alleged delinquency in the discharge of public duties, of a very serious and grave description. Had these accusations related merely to alleged illegality or irregularity in any part of my official conduct, I should have waited with perfect composure and with perfect confidence, until a regular inquiry might be made respecting my conduct. But the charges contained in the report of that debate were of a different, of a more serious, and, permit me to say, somewhat of an intolerable character. The charges were those of malicious prosecution and of wanton oppression—of having instituted a prosecution, in which it was said I never intended seriously to insist—for the inhuman, the horrible, the revolting purpose of prejudicing the cause of another person who was about to stand his trial in a case of life or death. And, Sir, the ground upon which that motive was imputed to me—the way in which colour and plausibility seemed to be given to the charge—was by adducing in evidence of the alleged personal hostility and malignity against the individual who was so to be put upon his trial, certain proceedings which had taken place in one of the Scotch courts antecedent to the duel which gave occasion to that trial, and for which proceedings it was asserted that I was responsible.

Sir, these accusations imputed to me, that I had engaged in a private cause with a degree of furious zeal and malignity and personal hatred, which had actuated me afterwards in my official conduct—These accusations imputed to me, that I had sacrificed the interest of my supposed clients, and aggravated the offence for which they were prosecuted in order to gratify and to indulge those feelings—imputed to me, that, to indulge those feelings, I had advocated a plea which it was said was calculated to lead to crime, to bloodshed, and to murder—imputed to me, the employment and the abuse of professional exertions and opportunities, in order to gratify personal hostility—imputed to me, in short, the absence of all those qualities, without which, of course, no counsel can ever hope to obtain public confidence—without which no gentleman is worthy of acting in any court of law. These accusations were accompanied also with imputations of a more serious description, to which I do not wish to trust myself even to allude. Need I say, that these were imputations

injurious to my own feelings? Need I say, that these imputations were injurious to my character? Need I say, that these imputations were eminently calculated to injure me in my professional prospects—to withdraw from a young man who may have been fortunate in obtaining professional employment, the confidence and estimation which he was desirous to secure? And, Sir, upon what ground was it that those imputations were founded? I never was counsel in the cause in which those proceedings had taken place. I knew less of those proceedings than the hon. members by whom those statements were made. I was totally ignorant of the contents of the paper to which allusion was made, or appeared to have been made, from the report of the discussions in this House, until it became necessary for me to become acquainted with it after the publication of that discussion. For a considerable period after the paper had been lodged in court, which was in the course of the month of January last, I was myself ignorant that in the usual course of business, according to the rule and constant practice of the Scotch courts, I had signed that paper for one of my brother advocates, without even knowing the names of the parties in the cause, when the paper was brought to me. I state with perfect confidence this mode of signing pleadings for another counsel to be the undoubted rule and constant practice of the Scotch courts—a rule and practice necessary for carrying on business:—and there are some honourable members perhaps in this House, to whom that rule and practice must be perfectly well known. Sir, the gentleman who was the party in that action, in which it was supposed I had acted as counsel—he who alone was entitled, as it humbly appeared to me, to complain—had made enquiry whether I was counsel, and was satisfied upon that point.

Now, Sir, under these circumstances, I ask the House with perfect confidence, whether it was possible for me to see such imputations,—affecting my professional character—affecting my integrity and my honour as a gentleman—affecting my character as a counsel—to see such imputations disseminated throughout the whole of this country, in that way in which public opinion is most powerfully and most authoritatively influenced, without some feelings of warmth, and without being irresistibly urged to take the most effectual and the most immediate means for my vindication? Sir, with respect to the imputation of having wantonly and maliciously prosecuted the individual in question, without intending to bring him to trial, I have stated in that Letter—and that statement was one of the motives of publication—I have stated that my intention and my wish was—not to maintain the appearance of prosecution, without bringing it immediately and regularly to a conclusion—but, that my intention and my wish was to have brought the case to a conclusion at the ensuing assizes, at Glasgow, long before that trial could take place for the purpose of prejudicing, which it was said that the prosecution was instituted and protracted.

Sir, under these circumstances, feeling that the whole of the imputations against me had proceeded on a complete and total mis-statement of facts, arising, of course, from some misconception or some erroneous information—I say, Sir, feeling that all those imputations had proceeded upon a total mis-statement of facts, I ask, how it was possible for any man against whom such imputations were directed, not to feel warmly, and not to embrace the first opportunity of endeavouring to remove the impressions which such statements might have produced, by a contradiction and a defence as public as the way in which those imputations were circulated throughout the country? Sir, perhaps to those who are engaged in the more important matters which claim the attention of this House, it may be difficult to convey an adequate idea of the impression produced in narrower circles by personal imputations, and by personal attacks of that description; or how much the opinion of people in distant parts of the country, in provincial towns and narrow circles, are influenced — blindly and implicitly influenced, by the statements and opinions which appear to come from a quarter which stamps so much more authority upon them than any other species of attack. Sir, I may state, that the greatest, and, to me, the most painful sensation, was produced by the report of that debate, and by the imputations contained in it against myself; and, under all these circumstances, I adopted, therefore, a step which I thought in the whole circumstances of the case, even at the risk of a breach of the privileges of this House, I was warranted by my feelings and the

situation in which I was placed, in taking, and which, at all events, I knew would attain the object of vindicating my character in the opinions of those upon whom the imputations against me had made an impression. If, Sir, in the manner in which I have done so I have been betrayed into any warmth of feeling, I own that is a part of the case as to which I feel little anxiety. I cannot believe that it can be necessary to say much in my defence to the gentlemen of England in order to justify me in their opinion, because I felt as a British gentleman, and as a British counsel, ought to feel, when his integrity, his honour, and his character, are unjustly impeached — because I felt as a British counsel ought to feel when his rights and privileges as a counsel, and his professional judgment and character are unjustly attacked; and I am not much afraid of being condemned by those whom I now address for the expression — be it the hasty and warm, at least, I am sure, the natural, the honest, and, I hope, not unbecoming expression, of feelings, which, I am sure, they, in similar circumstances, would be ashamed not to entertain.

Sir, with these observations I submit my case to the will and to the good pleasure of the House, expressing most sincerely my regret, that the publication of that report should have placed me in circumstances which have led to an apparent act of contempt of the authority of this House, and wishing — respectfully wishing—to be understood not to deprecate, from any personal motives, any of the consequences of that breach of privilege, in so far as the exercise of the authority of this House may be considered necessary in order to vindicate its own dignity and may be reconcileable with the substantial justice of the case.

Mr. Hope then withdrew, amidst loud and continued cheers.

Sir *R. Wilson* said, that he had never been more shocked than at hearing the cheers in which hon. members opposite had indulged in approbation of what had been said at the bar. They were assembled there as judges, and by such expression of their feeling, gentlemen rendered themselves parties in the case at issue. It was impossible to expect that impartial justice should be done when such conduct was observed.

Mr. *Courtenay* then moved, "That Mr. Hope, having confessed himself to be the author of the said letter, is guilty of a breach of the privileges of this House."

Sir *F. Burdett* said, he could not conceal from himself that there existed a general feeling of the great danger likely to arise from their frequent assumption of a power of this sort, and he thought it his duty to urge the constitutional objections which he entertained against its exercise upon occasions like the present. He was not in the House when Mr. Hope was at the bar, nor was he actuated by any personal feeling upon this subject; be the party whom he might, the principle upon which he (Sir F. B.) acted was the same. The House would bear in mind the circumstances of the case. The letter in question arose out of a report in the public papers, of what was said to have passed in that House on a former evening. That report might have been an unintentional, or even a malignant misrepresentation of what really had been said; but were they, nevertheless, to prevent the party whose character and honour suffered in consequence of such a publication, from doing himself the justice of contradicting it? This was an assumption of power on the part of the House which, were it claimed by the Crown itself, would not be for a moment tolerated. The parties in this case felt their characters traduced by a report which they found in the public papers; they complained of that report, and asserted that its statements were untrue. But how this could be called a breach of the privileges of that House, he was at a loss to determine. It was absurd to talk of the daily reports in the public papers as breaches of privilege. If this doctrine was to be maintained and acted upon, neither the public press, nor private individuals would be safe. There was a report published, stating that Mr. Such-a-one said so and so of such an individual. Was not the party alluded to at liberty to contradict those statements in such a manner as he conceived most effective, he being of course the best judge of his own conduct? This, he contended, any individual had a right to do without any charge of breach of privilege. If, indeed, a person out of doors called a member to account for what he had said in his place, such member would himself be guilty of a breach of privilege if he did not immediately bring the case under the consideration of the House. But here

the case was different. Let hon. members recollect what the privileges of parliament were, and for what purposes they were given. They were given, not for the purpose of exercising power over others, but as a protection for members themselves—they were given as a shield to protect members from the power of the Crown, while they were discharging their duty to the public. The privileges of parliament were never given as a sword of power to be used against the people. It was never intended that that House should, by an *ex post facto* law, declare an act to be criminal which the party did not know to be so at the time he committed it. How was a person out of doors to know what was or was not a breach of privilege? If a man knew exactly what was or was not a breach of privilege he would no doubt avoid placing himself in jeopardy; for no man would willingly put himself in the power of an assembly who were at the same time the judges and the jury; who were the makers of the law after the fact had taken place. Cicero, speaking of the law of the twelve tables, says—"Vetant leges sacratæ, vetant duodecim tabulæ, leges privatis hominibus irrogari; id enim est privilegium: nemo unquam tulit: nihil est crudelius, nihil perniciosius, nihil quod minus hæc civitas ferre possit." Their proceeding in this way would, in fact, be nothing else than a subversion of all the rules of justice. A person is called to the bar, and asked if he did so and so? He, not conscious of any impropriety, answers in the affirmative; and then, after having extracted the fact from him, the House proceeded to declare it a crime. They went farther; they sent him to a gaol, thus assuming a right to inflict the severest punishment; though they dared not inflict upon him the minor punishment of a fine, no not even a fine of 6*d*. This was a line of conduct which appeared indefensible. In fact, if hon. members were to notice such breaches of privilege as that now under consideration, they would have little else to do than discuss them from day to day. He repeated, that he could not see where the breach of privilege was in this case, as it did not appear that the accused parties had at all entertained the intention imputed to them of proceeding in another way. The present proceeding was, therefore, in his view, most improper. It was, perhaps, an inconvenience to public men to have remarks made upon their conduct, but it was an inconvenience which ought to be submitted to, as it was productive of great advantage. Besides, nothing was more unfair than that gentlemen should be entrapped into admissions which were afterwards declared to be criminal. There were, indeed, several cases where the privileges of parliament were grossly violated; and in such cases a parliamentary inquiry was not only necessary, but highly beneficial. It was admitted, for instance, that it was a gross breach of privilege to intermeddle with, or improperly procure, votes at elections; it was admitted, also, that bribery was a gross breach of privilege; and yet he remembered that when the noble marquis (Londonderry) was detected in bartering for a seat in that House for one of his supporters, the thing was allowed to pass by. Here was something which called upon them to defend their privileges, but the thing was discovered too soon, and the noble lord was allowed to get off without even a vote of censure. How, then, could they feel justified in entertaining this question as a breach of privilege? The power claimed by parliament was arbitrary: it was a power which would not be endured for a moment if attempted to be exercised by the king; and, therefore, its exercise was unbecoming the representatives of the people. It was a power which they ought not to exercise, even if they were the real representatives of the people, instead of being, as was notorious, the proprietors of boroughs in some instances, and the nominees of noble lords and country gentlemen in others. They had constantly in their view the interference of peers at elections; and yet they slept on their posts, and were only awakened by cases such as that before them, by omitting to notice which they would best consult the character and dignity of parliament. There was one privilege of parliament which was of great importance at a time when the Crown was in the habit of seizing upon members coming down to that House. He meant freedom from arrest. Now, however, that we had Septennial parliaments, such a privilege was unnecessary, and had only the effect of protecting the dishonest debtor against his unfortunate creditors; and it was of the less use, inasmuch as members were obliged to swear that they were worth so much after the payment of their debts; so that no member of parliament, if he

swore truly, could be in debt. With respect to the question before them, he felt it his duty to protest against the exercise of such a power in such a case, and should take the sense of the House upon the resolution.

Mr. *Stuart Wortley* said, that if the letter in question was a breach of privilege, it was their own fault. The original breach of privilege was in publishing a report of the hon. member's speech, but having allowed that report to go forth, it was hard to say, that no man had a right to contradict a statement which he conceived incorrect, and which tended to injure his character materially. If the facts with which the hon. member had been furnished were not true, and if in the report of the proceedings gentlemen saw that that had been circulated which wounded their feelings and injured their characters, would it not be monstrous to say, that knowing those statements to be unfounded, they must not take any steps to contradict them publicly? If the manner in which that report was contradicted, was a breach of privilege, it was the duty of the House to prevent the publication of accusatory statements, where no defence could be entered into. He should certainly vote against any motion having the punishment of Mr. Hope for its object.

The motion was agreed to.

Mr *Courtenay* said, that if he knew himself at all, he came to the consideration of this question with a perfectly unprejudiced mind. Since the introduction of this question, he had continually been considering how he should follow it up; and he felt that that must mainly depend upon the course which the gentleman would take when called to the bar. In looking to the conduct of Mr. Hope, he was certainly disposed to give to the language and manner of that gentleman all the consideration which they deserved. At the same time, that a breach of privilege had been committed, the House had already unanimously decided. Whether he was right or not in having brought the matter forward for the consideration of the House, the House must judge, upon a review of all the circumstances. His great object had been, to prevent a breach of the peace, arising from what he now firmly believed to have been a mutual misapprehension of what had passed in that House. He hoped it would be understood that the privilege which parliament undoubtedly possessed, of freedom of speech, was esssentially necessary to be preserved in all cases; and that this, and other privileges, they possessed for the benefit of the people and not of themselves alone. The House had heard the manner in which Mr. Hope had expressed himself, and he (Mr. C.) had now to move a resolution which, while it asserted the privilege of parliament, would show to that gentleman, that the House, upon his explanation had no wish to proceed any farther in the case. It was to this effect:—"That Mr. Speaker do communicate the said resolution to Mr. John Hope: and do further inform him, that, under all the circumstances of this case, this House, taking into consideration the explanation given by him at the bar, does not feel itself called upon to proceed farther in the said matter."

Sir *R. Wilson* did not think the motion went quite far enough. This was a breach of privilege which the House was bound to notice in a most pointed manner. It ought to take such steps as would protect its members. Many of the most eloquent members of that House might have no wish to become gladiators, or to enter the list in defence of every opinion which they felt it their duty to advance in that House. The House ought at least to have an assurance from Mr. Hope, that no farther steps would be taken to produce that result which the hon. mover had been so anxious to prevent.

Mr. *Brougham* agreed, that if, as had been stated by Mr. Hope at their bar, this was a mere technical and nominal breach of privilege, any the scantiest apology would be sufficient. But he felt unfeigned regret at being obliged to inquire, whether more had not been committed here than some hon. members seemed to be aware of. They had heard Mr. Hope's case. He had felt himself aggrieved by certain accusations; he felt his character at stake, both privately and professionally; and, under those feelings he sat down to write the letter in question. He would be the last man to weigh too scrupulously the words used by a gentleman defending himself from an unjust charge. Besides, he was, on other grounds, reluctant to visit Mr. Hope severely on this occasion. But, as regarded that House, he should be guilty of a squeamish delicacy if he did not state that that gentleman had beeen guilty of great misconduct. Besides, they must see, that even if they disposed of the ques-

tion ever so favourably to Mr. Hope the subject would not be set at rest. The investigation was only beginning. Mr. Hope was on his trial. In looking to the letter on the table, they would see that a direct and substantial breach of privilege had been committed. It was a mistake to say that the letter was merely a complaint of a report of a speech said to have been spoken in that House. It was an attack upon a member of that House, and directly imputed to him as having been actuated by improper motives in the discharge of his duty. In the course of debates in that House many hasty words were used, and many attacks were made by one member upon another, which the Speaker did not consider it necessary to notice; but which would amount to a breach of privilege if uttered against a member by persons out of doors. But the words used in Mr. Hope's letter were such as no member could use to another, without being reprimanded by the Speaker. What member would venture to impute to another motives of an unjust, unfair, and malignant nature? But if it was against all parliamentary order for one member so to accuse another, what would be thought of a person out of doors who thus accused a member of that House? His learned friend (Mr. Abercromby) had brought forward his charge against the parties in Scotland with temper and moderation; and yet he was charged by Mr. Hope with having brought it forward with a view to forward the interests of political associates out of doors. This was language which no member was permitted to use; and the question to be considered was, whether there were any persons out of doors entitled to that protection which their own members did not enjoy? The resolution before the House talked of Mr. Hope's "explanation at the bar." What explanation? How, after voting his conduct to be a breach of privilege, could an explanation exempt him from their censure? He believed there existed no case of a person declared guilty of a breach of privilege, being excused, except on the expression of contrition. But where was the explanation in this case? For himself, he was at a loss to discover that any reasons had been given. Mr. Hope stated, that he wrote under feelings of irritation, but no apology did he make. There were but two senses in which Mr. Hope's letter could be taken. The first was, the hasty and intemperate spirit in which the letter was written; the other was, a wish on the part of the writer to provoke a member of that House to commit a breach of the peace. Mr. Hope had left the House in total ignorance upon the subject. Had he done this, he (Mr. B.) would have understood that Mr. Hope had given some explanation; but as the case stood, explanation or contrition, he saw none. With respect to the question of privilege, that discussion, if it terminated as it was proposed to terminate it, would leave the House in so disgraceful and dishonourable a situation, that even the hon. member for Westminster, much as he contemned that House, would feel for the situation to which it must be reduced. He must repeat, that that House would be reduced to the most pitiable condition, unless they opposed those who were determined to save the character of Mr. Hope, at the expense of the dignity and privileges of parliament.

Lord *Binning* said, he felt it a duty which he owed to the House and also to a beloved friend and relative, to make a few observations upon the present occasion. It had been said, that if they suffered Mr. Hope to depart without farther question there would be at once an end to the privileges of parliament, the freedom of debate. He differed from that learned member, and thought, on the contrary, that on all questions of privilege they were bound to deal with the accused parties as leniently as possible. He contended, in opposition to the learned member, who said he looked in vain for an explanation in Mr. Hope's speech, that explanation had been fully given. He appealed to the House whether they had ever heard a more firm or respectful address than that delivered at the bar by Mr. Hope? It had been said that Mr. Hope did not explain. Now he did explain, and that very distinctly. He declared that, in writing the letter, he had not the remotest intention of violating the privileges of that House. Charges had been circulated against Mr. Hope, through the public papers, in every part of the kingdom, under which it was intolerable for him to live; they attacked his reputation as a gentleman, and marred his prospects as an advocate. Had the inquiry into the charges against Mr. Hope, been likely to come on this session, the letter would never have been heard of. It was not until it was found that that inquiry was

postponed for eight or nine months, that Mr. Hope had felt himself compelled to take such a step in defence of his honour and character. Let it be remembered, that Mr. Hope had been accused of acting in his professional capacity, from the basest motives which could actuate the human mind. His learned friend had been accused of having favoured an apparent prosecution of Borthwick, for the purpose of prejudging the case of a gentleman who was about to be put upon his trial for life or death. Good God! Was a gentleman to lie tamely under such a charge, from a fear of a breach of the privileges of that House? Mr. Hope was bound to give a contradiction, an indignant contradiction to such a statement. The envenomed dart had been shot forth, and had lodged deeply in his side. Mr. Hope did not say that the learned member for Calne had made a wilful mis-statement; he only said that he had proceeded upon mis-information. Mr. Hope might, perhaps, have been surprised at finding that the learned member was ignorant of the practice in Scotch courts. The charge of the learned member was perfectly regular and proper, had it been founded in fact; but there was not a word of truth in it, from the beginning to the end. Would not the House, then, consisting of high-minded English gentlemen, make allowances for the distressing situation in which Mr. Hope was placed? The noble lord next alluded to what had fallen from the learned member for Knaresborough (sir J. Mackintosh). That gentleman's high authority was thrown into the scale against Mr. Hope. He was a gentleman remarkable for great moderation—for manners the most amiable and conciliating. Known as he was and respected by the people of Edinburgh, when they learnt that the hon. member gave his countenance to the charge, they would naturally say that Mr. Hope must have been actuated by improper motives. The hon. member for Knaresborough had said, that a furious zeal had been manifested, in a cause of gross injustice and oppression. Such was the colouring given to the case, as if Mr. Hope had mixed himself up for the purpose of injuring Mr. Stuart, though the answer was signed in January, and the duel did not take place till the 26th of March. The letter might contain some imputations of motives. But, had no bad motives been imputed to Mr. Hope? If the charge had been made against a member, would he not have risen indignantly to repel it? Was Mr. Hope to be debarred the use of terms which were used by every Englishman who felt himself aggrieved? He had been brought from Scotland at a considerable expense, and with great professional inconvenience. Yet all this was to be considered a mere expedition of pleasure. True it was, that the House had come to a vote that the letter was a breach of privilege; but it had done so hastily. The question now was, how that breach was to be visited upon Mr. Hope, and he trusted, that the House, in making up its mind, would remember that their privileges might be pressed too far. This breach was founded upon another, the publication of the debates—a daily breach of privilege. He did not say that it ought not to be connived at; but when it was allowed, it was but common justice not to visit severely an offence merely growing out of it, and which might with greater justice have been punished half a century ago. If Mr. Hope had not taken this step towards his vindication, it would have been impossible for him to have pursued his professional duties. As far as it went, it was complete; and the House would probably think, that, under all the provocations, it might be pardonable to give a little vent to the ebullition of his feelings.

Mr. *Abercromby* hoped the House would give him credit for a disposition not to pronounce any opinion in that House on the present question. His object in rising was, to set right a few facts. He could not but express his concern that any act of his should have engaged the attention of that House, and caused the interruption of ordinary and important business. The subject before the House was coupled with circumstances painful to him; if his feelings were only consulted, the present case certainly would not be brought before the House. Much had been said with respect to the statement of Mr. Hope having acted as counsel on the trial of Mr. Stuart. He had read the letter of that gentleman: he knew the impression it had made upon the public and upon members of that House. Having the honour of a seat in that House, he thought that there only was he accountable for any act of his, and that there only was he bound to give an explanation of his conduct. Upon the subject he had preserved an absolute silence. He had not authorised any

person to give any statement on his part; that statement, however, he now felt it his duty to make. He might offer some facts, which would go entirely to justify himself; but he wished to limit what he had to say to an explanation of what had already taken place in that House. And now he would say in the most positive manner, according to his best recollection, that what he had done was this:—He had read passages from the publication in "The Sentinel," for which Mr. Stuart brought an action against the proprietors of that paper. He had also read the names of the gentlemen who had signed the answer to that action, as they appeared upon the record. He did not know how far those gentlemen were responsible for having signed that answer; because that was, for the purposes of his argument, matter of indifference. He alluded to them solely because they were advocates depute. As advocates depute he only had to deal with them. With respect to the practice at the Scotch bar, he was not aware of it. When he had first heard the answer to which he had alluded, it was read to him by an individual who had a copy of it; that circumstance occurred several weeks before he had introduced his motion. He had the recollection of that paper on his mind when he made his motion. There was another fact which was misrepresented. It was stated, that he had said it was necessary for his argument to fix Mr. Hope as counsel in the case of Borthwick:—Now, that he utterly denied. He had stated, that the case of Borthwick was a case of great injustice and oppression; that it had been pressed with the motive of influencing the trial of another party. That was his opinion; and that opinion remained unchanged. As to the statement, that Mr. Hope's name had been affixed to a certain paper, that that paper had been commented on in a court of justice by the judge—on the 20th of June he had first seen a printed copy of Mr. Stuart's trial—on the 25th of June he made his motion; and from that report he read passages to the House. Those who had read the letter of Mr. Hope to Mr. Bennet would see the importance of that fact. He would only say, that if he had been led into any mis-statement, and if any person applied to him in a manner that he could attend to for the purpose of shewing such statement to be erroneous, he would be the first to acknowledge such mis-statement, and to correct it. He hoped he might say in that House, before those who knew him, that nothing could be farther from his feelings, nothing more opposite to his character, than to refuse to retract an error, and to do justice to an individual. He hoped the House would believe him, when he said, that he was most anxious to reconcile his duty to that House, with the obligations he owed to his own honour. He should always feel anxious to support the privileges of that House—to bow to its authority—but at the same time he could not forget the duty he owed to his individual character, and the necessity of upholding it.

The Marquis of *Londonderry* hoped, that neither the zeal of his noble friend, nor the warmth of the learned member for Winchelsea, would interfere with a temperate conclusion by which the anomaly of privilege might be reconciled. He would not attempt the vain task of discussing this subject with the hon. member for Westminster; but he was well convinced that the letter of Mr. Hope was a breach of privilege. It was true, that the publication of the debates of the House was in itself a breach of privilege; but he considered it one that was essential to the public interest. It ought unquestionably to be tolerated, if it could exist without leading to evils which would leave the House no alternative, but to shut its doors and deny the public all knowledge of its proceedings. The breach of privilege now before the House was in the second degree; for if the publication of debates were allowed, it must sometimes produce inconveniences. Recollecting that Mr. Hope was counsel only in the private case of Mr. Alexander, he put it to the House whether he could repel the attack upon him, without at least glancing at political motives. It remained, then, to be considered what proceeding the case required, not forgetting that Mr. Hope, feeling his character at stake, had balanced between a breach of privilege and his own vindication. If the learned gentleman was called to the bar, and the resolution read to him, though the word admonition was not used, it was at least implied, and the indirect censure might have the same effect as a motion of greater severity.

Mr. *Tierney* said, that the great object having been attained, all that remained now was, to see that the farther pro-

ceeding of the House was consistent with its usages, and becoming its character. He could not concur in the resolution; for if it was adopted, no gentleman could return home with greater triumph than Mr. Hope. The object could not be to disgrace the House, or to obtain a victory over Mr. Hope, but to steer a middle course. After attending to what had fallen from Mr. Hope, he was bound to say that that gentleman had offered nothing in his defence that appeared satisfactory. He would appeal to any person who heard him, whether any expression had fallen from Mr. Hope which amounted to an atonement for the breach of privilege which he had committed. Gentlemen had said that no atonement was necessary, because the breach of privilege committed by Mr. Hope grew out of another breach of privilege; namely, the publication of the debates. The great advantage which resulted to the country from the publication of those debates rendered them so important, that no man thought of interfering with the practice. All he (Mr. T.) wished was, that the privileges of the House should not be openly violated; that members of parliament should be protected. If Mr. Hope felt himself aggrieved, were there no modes of justification open to him? He might have presented a petition to that House, stating, that, in consequence of what had occurred there, his character had been injured, and praying the House to institute an inquiry. But one hon. member, he recollected, had opposed inquiry, because he said it would amount to a direct reflection upon his character; and another complained that an inquiry had not taken place. If questions were treated in that way, it was clear that there would be an end to all inquiry into abuses. The noble lord had said that the case of Borthwick was to form a subject of inquiry. But who would go into that inquiry—who would bring it forward? Gentlemen, for discharging their public duty, would be subjected to violence and every possible insult. He had never known a case where an individual, brought to the bar for a breach of privilege, was allowed to go away without offering something like a satisfactory explanation. Where individuals were allowed to depart because the facts did not go home against them—where they were pardoned in consequence of expressing their contrition and regret, those cases he could understand; but without any satisfactory explanation, without any expression of regret, on the part of the individual brought before them, to vote that the House would proceed no farther, would only have the effect of affording to Mr. Hope, a triumph which he was not entitled to, and which the House could not be disposed to let him enjoy. How easy would it be for the House to vindicate its privileges, without at the same time bearing hard upon Mr. Hope. How easy would it be for the House to reprimand that gentleman, before he was dismissed from their bar. He was sorry to observe on the manner in which the speech of Mr. Hope was received, even before that gentleman left the House: he was sorry to say, that it was received with cheers in a quarter, where it would have been but right to have suppressed expressions of triumph. He had heard the speech of that gentleman—he had seen the manner in which it was received—he knew that it was in vain for him to move any amendment, stating, that Mr. Hope must not offend the House any more. He knew that such an attempt would be vain; but he would most certainly vote against the resolution, unless words of reprimand were inserted. If that were not done, they would shut the door against the accusation of public delinquents. Who would stand forward as public accusers—unprotected by the privileges of parliament, and subject to the insult and violence of persons out of doors? For his part, he was in the wane of life, and was not likely to be called out in personal conflict: but any young man in that House who had a friend to advise him, would be warned not to entangle himself in a case where parliament would not stand by him. Of all cases of privilege, the present was a case deserving the most serious attention: it was this, whether their own members were to be protected from violence out of doors? He entertained no unfriendly feeling towards Mr. Hope; his only wish was, to protect the privileges of that House—privileges which would be set at nought, if Mr. Hope was dismissed unreprimanded from their bar.

Mr. *Wynn* said, he considered this a most material breach of privilege, because it interfered with that freedom of speech, without which the House could not discharge its most important and sacred duties. It distinctly affected the freedom of speech, not only by comment, but by at-

tributing unworthy motives to an hon. member. If this were allowed, what must be the consequence? The members of that House would be compelled to descend to the same *arena* before the public with those who were pleased to attack them. The publication of their debates had been tolerated, but not authorized; and, in his opinion, this course was a wise one; because, if it were authorized, gentlemen would become responsible for the words which were attributed to them; but, as it was merely tolerated, no member was called upon to declare whether he did or did not make use of the language attributed to him in any public paper. With respect to the reports of the debates of that House, it was astonishing that they were in general given with so much accuracy, considering the haste in which they were written and printed; for a few hours only intervened between the delivery of a speech and its publication. But they must know that misrepresentations did often take place, sentiments the very opposite of those stated were sometimes put into members' mouths. Now, he would ask, whether it would be at all advantageous to correct those mistakes constantly? And yet it would evidently be necessary, if gentlemen were obliged to answer for every statement which appeared in the papers. If attacks, founded on reports of speeches, were allowed to be directed against members, they could not discharge their duty to the nation. These were the reasons that induced him to view this as a real, serious, and substantial breach of privilege. But, though Mr. Hope's conduct could not be justified, it might perhaps be extenuated. Mr. Hope had stated what his feelings were at the time he committed the offence. He conceived himself to have been reflected on, in his capacity of advocate, and his character to have been misrepresented throughout the kingdom. Did that form a justification for him? Certainly not. Had he animadverted on the statement contained in the newspapers, not assuming that statement to be correct, it would have been no breach of privilege. But he assumed the statement to be correct, and then he imputed motives to the learned gentleman who brought the question forward, and censured him for those alleged motives. This was a breach of one of their most valuable privileges. For what they uttered within these walls they were not accountable in any other place, nor to any other authority. Considering the error as one that had arisen from the infirmity of human nature, rather than from any design to infringe the privileges of the House, or to hurt the feelings of any member, considering, also, that Mr. Hope had expressed his concern and regret at what had occurred, he trusted the House would act with lenity. It might be introduced in the resolution, "that in consideration of his expression of regret, at his violation of its privileges, the House does not feel itself called upon to proceed farther." If the resolution were carried without such a statement, it might operate prejudicially hereafter.

Mr. *Canning* said, that he could not vote for the reprimand of Mr. Hope. It was to be decided whether that gentleman had been guilty of an intentional violation of their privileges, or whether, having a great duty to perform towards himself, that of repelling an injurious and unfounded accusation, he did not suffer a technical impediment to stand in the way of his vindication? The subject had been considered as if it were merely a question between the House and the offender. Undoubtedly, if a person out of doors questioned the freedom of speech in that House, great mischief might follow, and the House would be called upon to vindicate its privileges: but they overlooked a material circumstance, and that was, the existence in the present case of a third party—the reporting press, the creature of their toleration. With respect to the publication of the debates, so long tolerated, it would not be practicable to put it down; and if it were practicable, it would not be desirable. Before the House decided upon the case of Mr. Hope, an ardent young man, he trusted that every gentleman would look upon the case of that individual as his own. Living far from this metropolis—moving in a narrow society, where he could scarcely meet with any but those to whom he was individually known—with any but political friends, to mourn over his fall—or political enemies to triumph in his degradation—what could be the feelings of such a man were he to pass over an injury such as he had received, without making some effort to vindicate his assailed character? For the learned gentleman (Mr. Abercromby) he felt the highest possible respect for his public and private character, both in that House and out of it. There was one point to which he (Mr.

C.) attached importance, and on which the declaration of that learned gentleman gave him great satisfaction. The learned gentleman had declared that he was ignorant of the practice at the Scotch bar, with respect to obtaining the signatures of counsel. When he (Mr. C.) heard it stated, that Mr. Hope and Mr. M'Neil had signed that document, as counsel in the case, it made a strong impression upon his mind; and, he believed, upon the mind of the House; but the fact turned out otherwise, and the case failed for want of foundation. When he had heard the learned gentleman state that fact, he thought the case of Mr. Hope in jeopardy; and under that impression, he applied to his noble friend (Lord Binning) to know whether that point could be cleared up. His noble friend was apprized of the practice in the Scotch courts; and the fact turned out as had been expected—that the name of Mr. Hope was used merely in a technical manner.—The mistake was, he believed, general in the House, and originated certainly with the learned gentleman. But it was not on the mind of that House, that the impression, so erroneous and so unfavourable, had alone been made—it was made upon the mind of the country. The morning after that statement had been made, tens of thousands had no other impression than this — that Mr. Hope had sustained a most oppressive proceeding against an individual, for no other reason than to prejudice another individual, who was about to be placed on his trial for life or death. It would have been torture to any honourable mind to have sat down under such an imputation. It was most natural on the part of Mr. Hope to take speedy means to set his character right before the public. He did not take the most prudent means—he would, were the thing to occur again, take another course. — The right hon. gentleman next adverted to the conduct of Mr. Hope at the bar of the House. Far from feeling a wish to violate, he had expressed his veneration for the privileges of parliament. With a frankness which belonged to the high feelings on which he acted, he owned that, in vindication of his professional honour, he had risked the consequences of an act which might be construed into a breach of privilege. The House was not treating, in the present case, with one who had violently offended—whose object was to degrade the privileges of that House, and to bring its character into contempt; but with one who felt its sanctity, and who was as anxious as any of them to maintain its power. Mr. Hope had been placed in a painful situation; he had to choose between their displeasure, and his own lasting disgrace. He had chosen rather to risk that displeasure than to seal his disgrace and degradation. He hoped, that in choosing this manly part, Mr. Hope had also selected the safer course. He hoped that in vindicating his honour, the House would see nothing to induce them to send him back to his own country—to his society and friends—reprimanded, degraded, or disgraced:

Lord *A. Hamilton* said, that the sympathy of the hon. members seemed entirely turned to Mr. Hope, and both his learned friend and the privileges of the House were forgotten. The right hon. gentleman called upon every gentleman to place himself in the situation of Mr. Hope. He (lord A. H.) might also beg them to put themselves in the situation of the learned member who had been attacked. The object in view was, to protect members in the discharge of their duty. But this the resolution now proposed did not at all tend to do. He would ask any man to read Mr. Hope's letter, and say, whether the expressions used there were *bonâ fide* merely a vindication of character? It was the duty of the House to prevent similar acts. It would be painful to him to press for a severe resolution: but he could not concur in a vote that declared a breach of their privileges to have been committed, and then proceeded to say, that they would go no farther with the business.

Sir *J. Mackintosh* did not rise to oppose any measure of lenity, but merely to answer the friendly appeal to himself of the noble lord opposite. He admitted that he was ignorant of the practice of the Scottish bar already alluded to; but, at the same time he concurred with his learned friend (Mr. Abercromby) as to the use which he had made of that part of the case.

Mr. Courtenay consented to withdraw his original motion, and substitute the following: "That Mr. Speaker do communicate the said Resolution to Mr. John Hope; and do inform him, that, under all the circumstances of the case, this House, taking into consideration the explanation given by him at the bar, and his

expression of regret at his violation of its privileges, does not feel itself called upon to proceed farther in this matter." The resolution was agreed to, and Mr. Hope being again called in, the Speaker communicated to him the said Resolution.

Mr. Menzies was then called in, and Mr. Speaker communicated to him the proceedings of the House of the said 9th July, in the matter of the complaint of a Letter signed W. Menzies, and addressed to the Editor of "The Courier" newspaper.

Mr. *Menzies* said, he felt most anxious to assure the House of the profound respect which he entertained, and always had entertained, for their privileges. But he would shortly state the circumstances which had called forth the writing now before them. A report of a speech made in that House had reached him. In that report he found a severe attack upon his conduct. He found that gross injustice was done to his motives by a false statement of his professional proceedings. If this false statement had originated with the newspapers, he considered it indispensable for him to correct it. If, on the other hand, it had really been made in that House, he felt sure that it had been made in consequence of false information. He had therefore applied by letter to the hon. gentleman for an explanation of the fact, whether the statement as set forth in the newspapers was correct. To this application he had received an answer, that the hon. gentleman was not responsible for any reports in the newspapers, but that what he had said was fully supported by the statement in his (Mr. M.'s) own letter. Now, as that statement did not support the reports in the newspapers, he understood this to be evidence that the reports were false. If he had understood it otherwise, he would not have applied the term false to the statement of the hon. gentleman. He had written the paragraph now complained of, under the impression that what Mr. Abercomby had said coincided not with the statements in the newspapers. Considering the statements in the newspapers false and calumnious, he could not retract a word of what he had applied to them; but he solemnly declared that he had not had the slightest idea that what he was doing was a violation of the privileges of that House.

Ordered, "That Mr. Menzies, having explained his conduct to the satisfaction of this House, be excused from any farther attendance upon this House."

HOUSE OF COMMONS.

Thursday, July 18.

RETAIL OF BEER BILL.] Mr. *Brougham*, in rising to move the second reading of this bill, begged to premise that he meant to cast no reflections on either of those two large and respectable bodies who conceived themselves to be principally interested in opposing it. The hon. and learned gentleman having proceeded to show that within a very few years the population of this country had increased from ten to fifteen millions, while the consumption of beer had considerably decreased, observed that several causes might be assigned for this fact. He was not one of those who suspected the brewers of having adulterated their beer by all those drugs which they were, he believed, with great exaggerations, accused of using; but one of those causes, he certainly, in common with the poor man, did believe to exist, and did absolutely find. It was not that he tasted the deleterious *coculus Indicus*, or *quassia*, or *nux vomica*, but it was the tax, the cruel tax, which he found in the pot. It was a tax which bore with peculiar hardship on the poor, and very slightly on the rich; for the malt duty was 20*s.* the quarter; besides another duty of 10*s.* the barrel on strong beer. Now, reckoning three barrels to the quarter—the poor man had to pay a duty of 30*s.* per quarter. This was the unjust proportion in which the poor man had to pay for his beer. Out of every 50*s.* paid for that beer, 30*s.* was paid by the poor man who purchased it at the common retail price. The gentleman of 20,000*l.* a year paid 20*s.* a quarter for his share of the 50*s.* total duty. The rich man, who in the exercise of a generous hospitality brewed beer for his own servants and those of his neighbours, paid only 20*s.* where 50*s.* were paid in duties. This alone would furnish him (Mr. B.) with a sufficient ground for calling on parliament to protect his effort to obtain for the poor man a better article at a cheaper rate. He had now to come to closer quarters with the two bodies of men of whom he had spoken—the victuallers and the brewers. And first as to small beer. The law at present permitted men to vend that article without a license. As to this small beer, unquestionably no liquor was ever better named; but if there

was another word in the language more expressive of littleness and poverty than "small," as applied to this composition, he would use it. It was not of this that he was speaking, however, but of strong beer. Gin-drinking was that peculiar vice in the character of our artisans which he wished to put down. As to selling strong beer, an excise license and a magistrate's license were required for it, and it could not be sold in barrels containing less than five gallons each. If the excise licenses were done away with, and the magistrates were enabled to grant their licenses for the sale of strong beer to whom they chose, there would be but little difference between that course and the one which he should propose to night, except, indeed, that still the poor man would have to pay too dear for his beer. But one great evil would be prevented. Several of our laws were directed against tippling, but with admiral inconsistency they sent the poor man to the tippling-house before he could get his pot of liquor. He was ready to concede to his hon. friend, that however contrary to the principle of a free trade it might be for the legislature to grant monopolies, yet, as long as the law under which those monopolies were authorized, was in force, the parties to the monopolies had vested rights in them. But this was not the case with the brewers; for he totally denied that the law had given them any such monopoly, nor could he see how the extension of the magistrates' licenses could induce or encourage the vice of tippling. The brewers were, for the most part, the landlords of the public-houses; and of late, so far had they proceeded, step by step, in acquiring the possession of this species of property, that an instance was adduced the other day of there being, in one parish 49 public-houses, only one of which was not their property. At present, the only competition was amongst the brewers themselves. A most insufficient competition this for the public advantage! And though the argument did not apply quite so strongly to London, where there were many and large capitalists, he could point out a district in the country where there was only one brewer. The consequence of all this was, that these brewers had made their monopoly complete by buying up all the property of a particular description which they could lay their hands on, so as to command the funnel by which the liquor was conveyed to the mouth of the public. The brewers had found it advantageous gradually to reduce the quantity of malt and hops in their beer, until at length it was no longer that liquor of which Boniface once declared, that he could eat, drink, and sleep upon, and which was also clothing to him. The consequence of passing this bill would be, that a better and cheaper beer would be brewed; and, what was incalculably the more important consideration, instead of a man being obliged to go himself to the tippling-house, and being there perhaps tempted to drink—or sending his daughter or female servant, or his wife thither—he would go to a shop for it, where no bad example would prevail to taint either his own morals or those of his family, to the great injury of the poorer classes of society. Then, too, the good old wholesome English beer would once more flow in the country, and become a competitor (and he ventured to say, that on any fair terms it would be a triumphant competitor) with that which was a liquor pernicious alike to the health and the morals of a large proportion of the community. He concluded by moving, that the bill be read a second time.

Mr. *F. Buxton* expressed his concurrence in all the early and general observations of the hon. member regarding the effect of taxation upon the poor. He contended that this bill would ruin not less than 50,000 persons, and interfere with thirty millions of property; but if it were clear of all other objections, the lateness at which it was brought forward ought to ensure its rejection. He begged the House to separate the case and conduct of the brewers from that of the publicans; for the latter at least were not monopolists, and had not, as had been said, overcharged the trade with capital. As to the London brewers, he was prepared to show that they had not sold any such beer, in quality, composition or strength, as warranted the remarks of the hon. gentleman. After stating the class of persons of whom publicans were generally composed; namely, servants who had made savings out of their wages—he went on to argue from his own knowledge, that the most important part of the business of a victualler was not the beer he sold in his house, but that which he sent out to customers in the neighbourhood. If chandlers and barbers, and other small shopkeepers, were allowed to sell beer, the consequence would be, that a most respectable, industrious, and numerous de-

scription of persons would be utterly annihilated. The existing law was established as long since as the reign of Edward 6th, and until very lately he had had a lease of a public house in his possession, granted by a distinguished citizen, and a member of the House—no other than Praise-God-Bare-Bones, which house was kept by a victualler at this moment. From the time of Praise-God-Bare-Bones to the present, it had retained its license. The hon. gentleman had talked largely of the increase of the growth of barley, and of the improvement of the revenue which this bill would occasion; but he knew no law by which a man could be deprived of his property and his rights, without a full and fair equivalent. If the argument of public good and public convenience were to prevail in this instance, he saw no reason why it should not be extended to the national debt. This was the first step towards an attack upon private property, and no man could tell which would be the last. He proceeded, on the contrary, to insist that the change in the law would be ruinous to the public morals, detrimental to the revenue, and injurious even to the growers of barley. If the bill were passed, the control which the revenue had over public houses would be destroyed. Obscure persons, without character and without money, would commence selling beer in private places; persons who would not fear fines, which they could not pay, or dread infamy which could scarcely make them more degraded. The practice which was now sought to be established with respect to beer, prevailed in the year 1742. With respect to the sale of spirits at that period, so little were public morals or even public decency regarded, that venders of spirits in the streets of London put up boards, stating, in large letters, that persons might get drunk for one penny, dead drunk for twopence, and be allowed straw for nothing. It was not for his hon. friend, who had, within a week, pronounced an invective against bills passed on the 10th of July—who said they were open to the suspicion of injustice—to bring forward a measure affecting so great a portion of society, and embracing so many important consequences.

Mr. *Huskisson* thought it injudicious at this period of the session, to legislate upon private property, when the parties interested could not be duly heard. He therefore recommended that the bill should be withdrawn for the present. He contended, however, that the publicans had nothing like a vested interest in the sale of beer, and that their case was not in any respect to be likened to that of the public creditor. He saw no material objection to a measure, if it could be devised, by which other persons besides licensed publicans might be allowed to sell beer of somewhat better quality than that now called small beer. It seemed to him that there could be no true ground for asserting, that all the publicans in the kingdom would be ruined by the bill upon the table. In a future session, he thought some plan of this sort might be devised by which the revenue might be augmented, and the growth of barley increased, without material injury to the licensed victuallers. The best mode of encouraging the consumption of beer by the people in general ought to be steadily kept in view by the legislature. No person who had lived so long as he had but must perceive that a greater degree of sobriety prevailed amongst the lower classes now than was formerly the case. This was occasioned by a diminution of the quantity of spirits that used to be drank; and to that might be attributed the very great improvement which was known to have taken place in the average duration of the lives of the lower orders. He implored the chancellor of the exchequer to ascertain, during the recess, whether, consistently with the protection of the revenue, and even its improvement, and without violating the rights of the publicans and others who embarked their capital in the beer trade, he could not devise some plan to enable families who did not wish to frequent public houses to procure a better article than small beer, from indifferent persons.

Mr. Alderman *Wood* contended, that the bill would be injurious to a large class of persons without a corresponding good to the public. The great quantity of beer which a publican was enabled to draw, made the beverage he supplied superior to that which would be afforded by a chandler, who would keep perhaps a single barrel, which would, like the small beer now sold in the same way, be sour in summer and vapid in winter. In many parts of London good beer was now to be had at 4*d*. a quart, of which 1½*d*. was duty. The vested rights of parties were surely to be regarded. Houses were taken and built on the faith of the existing law, and many widows and orphans would be ruined by the violation of it. There was, no point

of fast, a great competition in beer; for it was obviously the interest of the brewers to supply the public houses with an article that would please their consumers.

Mr. *Brougham* said, that on the failure of a principal clause in the Licensing bill, he had thought it his duty to introduce the present measure; and finding so much interest and prejudice working against it, he had thought it necessary to persevere to the present stage. He should now consent to postpone the measure to the next session. He implored the chancellor of the exchequer to turn his attention to some arrangement with respect to the beer duty, so as to afford a middle kind of beer between that which paid the 10*s.* and that which paid the 2*s.* duty. By the 43rd of the king, there was no medium. There was, however, no obstacle to private brewing. People generally had no notion how savingly private brewing could be carried on. They saved 30*s.* per barrel, and their proportion of the licensing duty, which produced 600,000*l.* a year. The first difficulty was the cost of the apparatus; but 3*l.* or 4*l.* would purchase brewing utensils sufficient for the poor and even for the rich man. If one person, could not purchase the whole three or four might club their mites and brew in each other's houses, taking care (for there the exchequer stepped in) not to sell the beer to one another, but to share the produce of their common property. He recommended gentlemen to make the gift of this apparatus one of their bounties to the people in their neighbourhood. The only other obstacle was the supposed difficulty in the operation of brewing. There was a small pamphlet which gave all the instructions necessary on this subject: it was Mr. Cobbett's Sermon on brewing. He had never known a person who had read it, who was not able to compete with the most skilful brewer. Mean time, he would recommend that those who felt an interest in the bill, should petition for it. If half the activity was shown by those who had an interest in promoting the bill that was shown by those who had an interest in opposing it, the table would be covered with the prayers of hundreds of thousands of petitioners. For himself, he should be found in his place next session, ready to assist the people in obtaining one of the most important boons, as regarded their wealth, and health, and morals, that was ever granted by a legislature to a people. He should now withdraw the bill.

The *Chancellor of the Exchequer* said, that ministers were not inimical to the principle on which the measure proceeded. On the contrary, the subject had been under the consideration of the Treasury, and means, he believed, had been devised to enable the public to brew a middle sort of beer, of a proper strength and body, and at a proportionate duty.

The bill was withdrawn.

CANADA GOVERNMENT AND TRADE BILL.] On the order of the day for recommitting this bill,

Mr. *Wilmot* in moving that the Speaker do leave the chair, said, that the matter of the bill before them might be brought under three heads: the first part went to alter the constitution of the provinces of Canada, which had been established by the act of 1791; the second, to apply to Canada the principles of an extension of free trade, which had been sanctioned by the bills of his right hon. friend; the third and last, to settle the appropriation of duties between the two provinces of Upper and Lower Canada. The last of these in order he should consider first; because it was the anomalous position of the provinces in reference to these duties, that had led to the necessity of remedial measures. When the French province of Canada was conquered by the British arms, the criminal law of England was introduced into the conquered country, and the civil law of France was suffered to remain, modified by a proclamation issued in 1763, and by various ordinances subsequently made. The alterations introduced into the French law by these ordinances, led to anomalies in the law, which were remedied by the Canada act of 1774, which restored the French civil law to the province. From 1774 to 1791, the government of the province had been carried on by a governor and a numerous executive council, who had not the power of local taxation, the taxes being imposed by the parliament of Great Britain. Previously to 1791, after the American war, the upper part of the provinces which had been comprehended under the general name of Canada, but which was not inhabited, was colonized by American loyalists. In 1791, the Quebec act was passed, the debates on which took place amidst circumstances which were interesting to every Englishman who studied the history of his country, as they produced the difference between two great men,

Mr. Fox and Mr. Burke. The colony was by act divided into two provinces, Upper and Lower Canada. This division was objected to by Mr. Fox, and it was defended on the ground that the inhabitants of the upper part of Canada were as nine to one Englishmen, and that it would be unjust to subject them to the same law as the lower province. At the same time, when separate provinces were erected, an arrangement was made respecting the duties levied in the port of Quebec, which was the common inlet to both provinces. The duties upon imports into Upper Canada did not amount to more than one-eighth of the duties on imports into Lower Canada; and it was therefore considered that the province of Upper Canada was not entitled to more than one-eighth of the revenue. This arrangement continued up to 1797. From that period to the year 1817, the principle of examination by Custom-house officers was adopted, in order to ascertain the proportion of revenue which Upper Canada was entitled to receive; but this practice was found so extremely inconvenient, that it was soon abandoned, and a fifth portion of the duties was assigned to Upper Canada, for a period of two years. At the end of that period commissioners were appointed to regulate the proportion of revenue to be assigned to each of these provinces; but, notwithstanding all the diligence of those commissioners, it was found impossible to come to a fair adjustment of the claims of the two colonies. The consequence was, that Upper Canada had been deprived of her fair proportion of revenue; and it was one of the objects of this bill to remedy this grievance by supplying the means of arbitration. When it appeared to be the deliberate opinion of the commissioners of Lower Canada, that they could arrive at no principle of adjustment, which was likely to be satisfactory to both colonies, it was natural for the government of this country to consider whether some measures might not be adopted, which, by uniting the two provinces, and incorporating their legislatures, might consolidate the interests of the two colonies. Such a measure was suggested, not less by general principles of expediency, than by the pressing necessity arising out of the difficulty of adjusting the claims of the two colonies. He begged leave to refer to a report of a debate on this subject, which took place in that House in April, 1791, in which Mr. Fox declared his approbation of the policy of uniting the two provinces of Upper and Lower Canada. Mr. Pitt in his reply to Mr. Fox on that occasion, stated, that if the assembly were not properly constituted, it was subject to revision, and that there was nothing to hinder the parliament of Great Britain from correcting any thing which might appear to want correction. He agreed in the abstract principles of Mr. Fox, but thought that they could not conveniently be carried into effect at that period. The only object of the present measure was, to bring the two colonies into a closer union, by incorporating the two legislatures, so that the English language, and the spirit of the English constitution might be more completely diffused among all classes of their population. No rights or privileges now enjoyed by any persons, in either of the provinces, would be, in the slightest degree, affected by the present measure. There was a clause in the bill which gave the representatives of the executive government a right to speak in the House of assembly. There was another clause establishing a qualification for the persons elected, a provision which had been omitted in the first act. The sum fixed upon as a qualification was, however, such as would in no degree diminish the general competition for such a situation—which ought to exist among a free people. There were two declaratory clauses, relating to the clergy and the feudal tenures, the object of which was to abolish a system of property, so utterly repugnant to every sound principle of political economy. In the clauses relating to trade, the same policy which had been pursued in the bill regulating the trade of the West India colonies had been applied to the inland trade of the Canadas. A drawback was allowed on rum imported from the West Indies, when exported again from the Canadas, to which he apprehended no objection would be made. An objection had been made to this measure on the ground that the feelings and opinions of the people had not been consulted; but he could assure the House that every means had been taken to procure the best information on this subject, that the measure was deemed to be decidedly beneficial to both provinces, and that it had received the complete sanction of those who, from their position and ex-

perience, were best qualified to appreciate its merits. He concluded by moving, "That the Speaker do now leave the chair."

Sir *J. Mackintosh* said, that in rising to observe upon the very able and perspicuous speech of the honourable gentleman, he hoped it would not be imputed to disrespect for that honourable gentleman if in the course of his observations he alluded less frequently to his speech than might perhaps be expected. The reason why he should not advert to many of the observations of the hon. gentleman was, because they related to parts of the bill, in which he completely concurred. The hon. gentleman had justly observed, that the two great measures connected with these provinces which were introduced in the last reign, one at the commencement of the American war, and the other at the period of the great confederacy against the French revolution, were attended with circumstances of great national interest and importance. The present bill was introduced under very different circumstances. Little good seemed to be expected, and little evil to be apprehended from it, if any judgment might be formed from the thin attendance of the House, which was called upon to consider its merits. The House was now called upon, on the 18th of July, to enter for the first time into the discussion of a bill, the object of which was no less than to change the constitution of two great colonies, to abolish their separate legislations, and unite them into one. He would put it to his majesty's government, whether the present state of the House did not fortify the objections which he was about to make, and which were of a very limited nature, to a part of the present bill? All he contended for, was six months' delay with regard to that part of the bill which related to the incorporation of the two legislatures: to the other parts of the bill he had no objection. The hon. gentleman had divided his measure into three parts. Of the first of these, which applied the principle of a free trade to the inland trade of the two provinces, he highly approved; he concurred equally in the second part of the bill, which distributed between the provinces of Upper and Lower Canada the revenues derived from the port of Quebec; he objected only to the third branch of the measure; or rather to the immediate adoption of that third branch, which related to the Union of the two provinces. He should move, that it be an instruction to the committee to separate the two clauses of this bill, which incorporated the two provinces from the other two parts of the bill. The right hon. member for Chichester had that night put it to his learned friend not to press, at that late period of the session, a measure affecting the property of a considerable portion of the community. If this respect was to be shown to the body of publicans and brewers he trusted he might be allowed to call upon the House to show at least some tenderness for the rights, the privileges, the opinions, the feelings, and even the prejudices of two great provinces, consisting of several hundred thousand inhabitants. The people of Canada had no means afforded them of approaching that House—no opportunity of presenting petitions, but they were to be taken at once by surprise, and to have the whole frame of their constitution and government altered, without being allowed to express a single sentiment or opinion as to the alteration. He was anxious that his view of this question might not be misunderstood. He did not moot any question of political philosophy as to the relations between the government and the people; he did not moot any question of constitutional law as to the competence of parliament to make laws which should be binding on the people of Canada. His own opinion was, that such a power did inhere in parliament, by the law and constitution of England. Such a power was perfectly consistent with that dignified and noble position which parliament had a right to assume as the head of the great English confederation, composed of colonies spread over every region of the world. Of all powers, however, this was one which ought to be exercised with the greatest forbearance, and with the greatest regard to the feelings and interests of the parties who were to be affected by it. It was a power which ought not to be wantonly or indiscriminately exercised, but which should be reserved for extraordinary occurrences—to preserve the unity of the empire—to prevent discord between distant dependencies—to regulate the general commercial intercourse of every part of Europe—above all, to correct any extraordinary act of direct misrule and oppression which the provincial governments might commit. It was by the neglect of these principles, and by the rashness with which the power of parliament over our colonies was exercised, hat America was lost to

this country; and though that loss might ultimately be no great disadvantage to this country, it reflected the greatest dishonour on the counsels which produced the separation. With regard to the 31st of Geo. 3rd, that act was, of course, not irrevocable, for it was in the nature of all law to be revocable by the same authority which enacted it. It was of no importance therefore to refer to any thing which had been said in argument in the course of debates in that House. The great minister, whose opinion the hon. gentleman had quoted, had given a very obvious and natural answer, namely, that whatever defects were discovered by experience, it was in the power of the legislature to correct. This was not a narrow question of expediency limited to the immediate and local effects of this bill; it was material to consider the general tendency of the measure, and the effect which it would have on the other colonies and dependencies of the empire. He would venture to affirm, as a general principle of colonial policy, especially applicable to the colonies of North America, that colonies could only be retained, when governed by a loose rein. Whenever European states attempted to pursue a different policy, and to govern distant colonies by a system of coercion and terror, they were sure to accelerate the separation which they endeavoured to prevent, and to make that separation adverse which might have been amicable. He would not enter into the question of the liberality of the terms on which the provinces were proposed to be united: he did not even object to the Union; he objected only to its immediate adoption He would not inquire into the equity and liberality of the conditions or the intentions with which the measure was brought forward; for the great question was, not what were the intentions of the mover, but what was the general tendency and effect of the measure? This was the first time that the British parliament had proposed to pass an act for the union of the legislatures of two colonies. The attempt which was made on the legislature of Massachusetts excited at that time an universal insurrection throughout North America. There was not, however, an atom of an island in the West Indies possessing the miniature of a legislature, in which that legislature had been in any degree altered by the British parliament, without their consent. Yet it was now proposed, without any notice to the people of Canada—upon no evidence—upon no statement of facts, but upon a mere general argument of expediency, and without going through the ordinary forms which were observed with regard to the interests of the most petty corporation in England, to take away the political and legal existence of two great colonies. Was the House in possession of any information? Had they heard any evidence? Had they heard any thing but the statement of the hon. gentleman, that some conveniences would arise from the adoption of the measure; that the English laws and language would be more generally diffused; and that some oppressive tenures would be removed? Would the House refuse to pay the price of six months' delay for that information which they could not fail to receive? Were the feelings and inclinations of two great colonies no element in the political problem which related to their incorporation? Were they to shut out all evidence which related to their feelings, inclinations, opinions, and prejudices? The House was bound to consult the feelings of the people of Canada, for two reasons; first, because a regard to those feelings was essential to the happiness of the people; and secondly, because it was essential to the security of our own authority. If we disregarded the wishes and feelings of the people, we should expose our own authority to danger, and discover a weakness of which even the most absolute government, acting on the principles of common sense, might be ashamed. He had hitherto used no argument which might not apply to a country governed by an absolute monarch, supposing that monarch, by some rare accident or miracle, to be a reasonable and enlightened man. He would ask, whether any measure could be conceived more calculated to alarm all our colonies than that in the last week of the session, when not more than 40 or 50 members were present, a bill should be introduced to effect what had never yet been attempted by an English parliament—to abolish the legislatures of two great provinces without their knowledge or consent? If such a measure were to pass under such circumstances, what security would any of our colonies have, that their legislatures might not be taken away from them by surprise? What security would our West India islands have, that between one packet and another, the whole form of their consti-

tution and government might not be totally changed? He felt the force of this argument so strongly, that he was ashamed of urging any thing in addition to it. He had indeed heard nothing from the hon. gentleman, which was applicable to the only material question; namely, the necessity of immediately passing this measure. Was it proper that a measure which affected the liberties and pecuniary interests of the colony so deeply, should be passed at this time—this late period of the session? Was it to be tolerated, without so much as consulting the legislature of Canada? Colonists had a claim to a more than ordinary share of the attention of the House. They had no representatives of their own in it; and they could not, as colonists, have any legal representation; but that was a stronger reason why they should have a moral representation. The hon. and learned gentleman concluded, by moving, "That it be an instruction to the said committee, that they have power to divide the said bill into two bills."

Mr. *Ellice* felt all the difficulty which an attempt to answer the arguments of his hon. and learned friend (sir J. Mackintosh) imposed upon him, and the more so as he was obliged to acknowledge his entire acquiescence in the general principles he had laid down. He considered, however, the present case a little beyond the scope of their application, or at least as affording, from the peculiar circumstances in which the Canadas were situated, a sufficient justification for the apparent deviation from them, which the present proceeding involved. According to his hon. and learned friend, this measure was to be considered as an unnecessary interference with the rights of the legislatures of the two provinces, in matters which were either permanently settled, or left to their regulation by the Quebec act, and he could not see in the statement of the hon. gentleman (Mr. Wilmot) any case of expediency even, much less of necessity, made out, which could justify passing this bill in the present session. His learned friend also complained, that there were no documents laid before the House, no expressions of the opinion or feelings of the people for whose interests it was proposed to legislate, and however much disposed he might be, individually, to place confidence in the assertions of the hon. gentleman, they could form no rational ground, for the House to proceed upon, in so important a bill, with such precipitation, at such an advanced period of the session. He (Mr. Ellice) admitted there was great weight in these objections, although he was not exactly prepared to hear some of them urged by his hon. friend. As he (Mr. E.) had originally suggested, and pressed the adoption of this measure on his majesty's ministers, as the only one calculated to promote the permanent interests both of the colonies and the mother country, and infinitely preferable to other expedients that had been advised, to meet existing difficulties, which rendered an application to parliament in the present session indispensable, he felt it incumbent on him, not only to state the reasons which influenced his opinions and conduct on the subject, but also to explain to the House some of the circumstances which had unfortunately delayed the introduction of the bill, and his surprise at the unexpected and hostile opposition of his hon. and learned friend. He would not follow his hon. friend (Mr. Wilmot) into all the details he had laid before the House. He could only confirm them from his local knowledge of the position of the two provinces, and it was rather singular, that precisely the difficulties which had arisen between them, and which almost rendered the separate administration of their governments in future impracticable, had been predicted by Mr. Fox in 1795, as the necessary results of the Quebec bill. No person in either province, or in this country, connected with them, now doubted the impolicy of their separation, and the question for the House to decide was simply, whether they would adopt the whole measure of reuniting them, in preference to commencing in this session, a system of perpetual interference on the part of parliament, with the proceedings of their assemblies. At present the Upper province was left without the means of defraying the charges of its civil government, from the assumption, on the part of the Lower, of her exclusive right to impose duties on importation, and such restrictions on trade as she considered expedient, at the port of Quebec, the common, and only communication of both with the sea. In consequence of disputes between the legislature and governor of the Lower province, the former had suspended all these duties, without consulting the sister legislature, and as the revenue of both depended entirely on customs raised at Quebec, some measure

was necessary to remedy this evil, unless the House considered, under our other pressing emergencies, it was expedient, to gratify the caprice of the French Assembly of Lower Canada, to place the additional burthen of the civil government of these colonies, on the people of this country. Previous to 1818, by an agreement between them, one-fifth of the revenue had been appropriated to the Upper province—since that time their population had increased, they required a larger proportional appropriation, and the Lower Assembly met this by refusing the former one, and telling them in the words of their own commissioners, that Upper Canada had long consented, as she was bound, to the state of dependence on the Lower province, which the natural situation of the latter with respect to the navigation of the St. Lawrence, and the right of levying all duties within her own boundaries, gave her. The only remedy the commissioners point out, was perfectly impracticable: that of establishing custom-houses on the various internal communications, which would cost more than the revenue collected would amount to. They add, that any other arrangement would lead to fresh demands hereafter, and that the inevitable consequence of such repeated discussions, "must be serious misunderstandings, destruction of the interests of the two provinces, which were so intimately connected by the ties of allegiance to the same sovereign, and their local position." What better argument could be adduced in favour of the present measure, coming as it did from the only party who are supposed indisposed to it? But he knew his hon. and learned friend would answer to this, power was expressly reserved, in the Quebec act, to regulate the trade, and that a bill might now be passed on that ground to levy the duties, which the Lower Assembly had allowed to expire, or refused to impose, for the expenses of the civil government. He must, however, recollect, that such a measure, as directly infringing the most valuable privilege of an independent legislature, would produce much more irritation, than an act not intended to deprive any class of persons, of rights, they previously enjoyed, but which only provided for a fair extension of those privileges, to persons equally entitled with the French population to a fair share in the legislature. Such an extension would be fully justified by reference to the state of the population and of the country, at the passing of the Quebec act, and the present time. The population of Upper Canada then consisted of about 10,000 souls; that of the Lower province of about 300,000. An Assembly was provided for each, consisting of 16 members for the Upper, and 50 for the Lower, but with power to add to their numbers, by any act or regulations of their own. The populations of the Upper province, from the administration of British laws, and the more liberal principles applied to its government by an English legislature, had increased by emigration from this country and America, till it now amounted to half the number in the Lower; and as all the increase in Lower Canada, had also been English and Americans, the proportion of persons speaking the English language, which had formerly been 30 to 1 in both provinces, was not now more than 5 to 4. In Upper Canada, the legislature had wisely passed a bill dividing the country into counties, and giving to each county, when it should contain 2,000 inhabitants, the right of sending one member, when 4,000, two members, to the assembly, which now consisted of 40 members. In Lower Canada, the assembly had been always unwilling to extend their numbers, fearing a diminution of the French interest; and the additional population which had established English settlements in the new townships were completely excluded from any share in the representation.

Thus the assembly of Lower Canada consisted exactly of the number provided in the Quebec bill, and there was no probability of their admitting by any act of their own, representatives from the additional English population. That the House might judge of the principles on which this enlightened legislature proceeded, he would only mention, that any attempt to induce them to alter the feudal tenures, under the old French law of the custom of Paris had failed, and that these, exploded in every other country in Europe, still existed from the prejudice of the Canadians against an improvement in a British colony. Looking at all these circumstances, and as it was necessary some measure should be taken to provide for the government of the provinces, he had advised that of reuniting them, and amalgamating the 40 members of the assembly of Upper Canada, with the 50

of the Lower province, giving to the inhabitants of the new townships of the latter, the right of sending 10 additional members, so that the representation might be fairly apportioned, and then leaving to the joint legislature, the power of still farther extending their numbers on the principle of the act of the Upper province, as the population increased. At first, certainly, some objection had been urged to the plan by the provincial law officer, who had been sent home to represent the situation of the country, and by other persons of considerable weight and authority—but, on considering all the bearings of the case, these persons, including the chief justices of both provinces, who happened to be accidentally here, were convinced, the reunion was the only measure that promised efficient good, and warmly supported it. His majesty's ministers then divided, upon proposing the present bill, and certainly he had grossly, but unintentionally deceived them, in leading them to expect the support, instead of the determined opposition of his hon. and learned friend, from some communications which had passed between them. He had consulted his hon. friend, had given him the first draft made of the bill, which he had returned to him, as he understood, entirely approving the measure, if the case he then stated to him was made out to the satisfaction of the House. If his hon. friend had even hinted the opposition on principle, which he now so strongly insisted upon, and which he was free to admit on general grounds, had considerable weight, he doubted whether the measure would have been proposed. As it had passed through a second reading, however, he should now lament its failure, although he was convinced the only consequence of delay would be the excitement of feelings of animosity between the English and French inhabitants in the mean time, and that the House ultimately would find it absolutely necessary to pass the bill. After having given so much encouragement to the measure, he did think his hon. and learned friend went rather out of his way, and beyond the fair scope of the case, in blazoning it, as an act of oppression and unjustifiable parliamentary rigor. He had listened with much pleasure to his splendid declamation on the general principles applicable to all legislation for our colonies, but he little expected to hear a bill, giving to each Canadian, who possessed a freehold of the value of 5*l.* in a county, or 10*l.* in a town or city, the right of freely sending his representative to an independent legislature, compared to the insane proceedings of parliament, in the commencement of our unfortunate contest with the United States. He had not sufficient acuteness of intellect to see exactly the similarity between the act depriving the people of Massachusetts of their legislature, and a bill granting to our fellow-subjects in Canada, the first and fairest representation in the world, except that which their neighbours had been obliged to establish, after wresting their independence from us. He (Mr. E.) had admitted fairly the probability of objection on the part of the French inhabitants, and indeed the House ought to proceed only on an assumption of its unpopularity with them, although he felt assured it would be received by them with loyalty, and acquiesced in as a measure which must sooner or later have been necessary. It would be hailed with gratitude by any person in both provinces speaking the English language, and after all, it was not very probable, even if we did not interfere, that the English and American population inhabiting the immense countries watered by the St. Lawrence, would long submit to the regulations and government of the French oligarchy which had now possession of the Quebec assembly. What object had ministers in this measure? Was it to maintain the control of the executive? The establishment of a legislature of 100 members was not the likely means to attain that end, unless the conduct of its officers, was strictly directed to the general interest of the provinces. In all the cases brought forward by his hon. and learned friend, in illustration of his argument, some supposed object of the British parliament was sought for at the expense of the colonies. This objection surely could not apply to the present bill—there was not even the appearance of a separate interest, and the House were called upon to act in this case, more as umpires to settle the disputes of the two provinces, and to apportion to each their fair share of weight in the joint administration of their own affairs, than in any respect to interfere in them. Allowing all reasonable weight to the objection of his hon. and learned friend, would it equally apply to good measures as to bad; and by his own admission he thought the

present measure a good one—or to a proceeding on the part of parliament, securing in the fullest sense the popular rights of the colonists, to one curtailing, or abrogating them? His hon. and learned friend's sole difficulty, appeared that of not having the expressed opinions of the people of Canada before them, and he (Mr. E.) admitted they must proceed on an assumption of the objection of the French population, but if the act took from them no rights they possessed, they could complain of no injustice, and all the House could gain by now deferring the proceeding, was the excitement of irritation, and prejudice to the measure, which might render its adoption in another session, although its policy was generally agreed to, inexpedient, and dangerous to the tranquillity of the colonies. The strongest objection he felt was the period of the session, and delays had occurred, entirely unforeseen, either by the hon. gentleman opposite or himself, and arising from unavoidable causes, which it was unnecessary to state to the House. But the House must not, therefore, suppose, that the measure was hastily or inconsiderately brought forward. It had occupied the attention of his majesty's ministers very early in the year, and one great inducement to proceed, was the accidental presence of the most competent and weighty local authorities, who had all given their sanction to, and assistance in preparing the bill. The expected support of his hon. and learned friend, was, another motive with him for urging his hon. friend opposite to introduce it, and certainly nothing had so much occupied him, as the intimation of some doubt suggested, but not strongly insisted upon, by his hon. and learned friend on the second reading. From his (Mr. E's.) local knowledge of the circumstances and situation of the colonies, nothing appeared to him so impolitic as suspense or hesitation, after proceeding so far, or indeed, after the measure had been once determined upon by his majesty's government, and communicated to the public. He therefore, still trusted the House would adopt it, and that his hon. and learned friend would be prevailed upon to withdraw his opposition. His hon. and learned friend said, as far as he could judge, the terms of the proposed union were fair and equitable; he could assure him, that its policy was approved of by every person in England connected with Canada, and that the most important benefits were anticipated from it by all those, whose experience and knowledge of that country, made them most capable judges of its interest. How long these provinces might remain dependent on this country, or how long it was for the interest of both, that they should continue her colonies, was a question of some doubt and difficulty. He was convinced, that in whichever light this question was viewed, the present measure, the more it was examined, would be found just and expedient. At present, if one province refused to levy the means of providing for the administration of its civil government, we had no choice, except that of defraying the expense ourselves, or entering into a system of contention which must end, as that which had been tried, previous to the American revolution. The other province might, in the mean time, be disposed to do every thing that this country could wish or desire. We could not by withdrawing our military protection from both, abandon our fellow subjects, who had in all respects proved themselves worthy of and entitled to our support, to a state of anarchy, the necessary result of their continued discussions on their separate rights. If, on the contrary, after having by the present bill united them under one government, and given them the most ample means of providing for the administration of it, by a legislature fairly and freely chosen from all classes of their society, this difficulty should arise, the great question of policy, whether it was advisable with reference to the interest and character of both countries, to continue the connexion between them, on its present principle, might be calmly and dispassionately considered and settled. We should by the present bill have given to our British fellow-subjects, without injustice to their Canadian brethren, their fair share in the legislature of the country, and there could be no doubt of its rapid improvement, whether dependent on or independent of Great Britain, under the more enlightened and liberal principles, which had characterized hitherto, the proceedings of the assembly in the upper province. He could only again implore the House to enable government to carry into effect their liberal intentions with respect to the Canadians, by passing the bill now before them.

Mr. *Calcraft* said, the measure might be necessary and right, but it was of too im-

portant a nature to be carried at this period of the session, and without notice being given to the parties interested.

Mr. *Bright* accused the advocates of the bill of sophistry, and stood upon the great Canadian statute, which allowed the assemblies of the colonies to make laws, subject to the revision of the British House of Commons. The law by which a constitution was given to Canada was intended as a permanent measure. It was under that character recommended from the throne, and so acknowledged by every branch of the legislature. They were now about to take away what the legislature had deliberately conferred. Would not that very measure, compared with the silence observed, excite the greatest discontent, if there existed, as he believed there did exist, a sense of spirit amongst the Canadians? It was purely an Upper Canada bill, having for its object to destroy the influence of the Lower Provinces, and give a decided superiority to the Protestant over the Catholic population. If they took away the legislature from Canada, what security would every other British colony have? Where was the security of Jamaica or of any other of our West India dependencies? He protested against any such violation of the rights of British subjects. These rights were inalienable, and he could not acknowledge those grounds of expediency on which it was sought to violate them.

Mr. *Goulburn* observed, that the objections urged against the bill, were founded on a misconception of its object. It did not contemplate any such change as its opponents assumed. The great object of the bill was, to provide for an incorporating union between the two provinces. The question then resolved itself into three parts. First, whether the parliament possessed the power to interfere; secondly, whether there existed that expediency which justified that interference; and, lastly, whether the present advanced period of the session was a sufficient argument to delay an interference, which, on every other ground, was most beneficial? As to the first point, it was undisputed that parliament possessed the power. The constitution of Canada rested on an act of parliament, which act had destroyed the pre-existing constitution of that colony. The next point was, whether or not there existed that state expediency which demanded such an interference? It was admitted that the consideration of high commercial interests would justify such an interference; and it had become necessary for the peace and tranquillity of these provinces, as measures had already taken place which had produced great irritation. In the very act of the 31st Geo. 3rd, which gave to Canada a representative system, the subsequent interposition of the legislature of Great Britain was contemplated. In subsequent statutes, with respect to Canada, parliament had acted upon that principle. With respect to the time at which the measure was proposed, this objection was too frequently, in the lack of argument, urged to defeat a bill, the beneficial tendency of which could not be controverted.

Mr. *Denman* limited his objections to the measure, to the simple ground of the advanced period of the session, and the thin attendance of members.

The Marquis of *Londonderry* contended, that the lateness of the session ought not to prevent them from adopting a measure which would confer upon the Canadas a great advantage. If government had not been strongly impressed with a conviction that the change contemplated by this measure was anxiously wished for in both the Canadas, it would never have been submitted to the consideration of parliament. He therefore trusted that gentlemen would allow the bill to go into a committee.

The House divided: Ayes, 48; Noes, 14. The bill was then committed.

HOUSE OF LORDS.

Friday, July 19.

IRISH INSURRECTION BILL.] The Earl of *Liverpool* rose to move the second reading of this bill. He said, there was no disposition in the government of Ireland to exercise unduly the power which it was unfortunately necessary to give, nor to retain it a moment longer than the safety of the country required. But the dispatches from the lord-lieutenant showed, that though tranquillity and security to property had been ensured by the act, there was reason to apprehend the most injurious effects would take place were it to be suspended.

The Marquis of *Lansdown*, though he admitted the measure to be necessary, considered himself bound to enter his protest against continuing to act on the principle of this bill; which was the offspring of a system of palliation of evils,

unaccompanied with any parliamentary evidence of an intention to adopt means for the removal of those evils. It was stated, that the Insurrection act had a temporary effect, but that the moment its operation was withdrawn from a district, the same evil recurred. Thus it was evidently no remedy. It was to the full protection of the law, and to a conviction of that protection in the minds of the people, that their lordships must look for tranquillity.

Lord *Ellenborough*, though he disapproved of the principle of the bill, felt himself bound to agree to it, as it afforded a protection which the people of Ireland were by habit brought to expect. In giving his consent to this bill, he held the government to be distinctly bound to introduce measures of conciliation.

The Earl of *Limerick* said, that if the bill did not pass, there would be no security for the lives and property of the loyal inhabitants of Ireland.

Lord *Redesdale* supported the bill, on the ground of immediate necessity. The cause of the evil of which all complained, was, that the law had never been properly administered in Ireland. The consequence was, that the character of the people of Ireland was affected by that mal-administration.

The Earl of *Darnley* gave his consent to the bill under the same qualification as other noble lords. He expressed a general confidence in the noble marquis at the head of the government of Ireland. With regard to Ireland, no real good could be expected from palliatives. It was necessary to go to the root of the evil.

The Earl of *Donoughmore* gave his reluctant assent to this measure, as one of imperative necessity. That Ireland had been long and cruelly mis-governed was a notorious fact; but the question here was, what could be done in the midst of a lawless and powerful confederacy against all order. Such a state of things must be put down, and he was compelled to admit, that there was no other way of meeting the existing evil than by resorting to such a measure as the present.

The Earl of *Rosslyn* feared, that the present measure partook more the character of a permanent than a temporary regulation. He objected to the bill, as giving an excessive power to the magistrates, without providing any redress for the people in case of its abuse.

The Earl of *Roden* supported the bill, as the measure most likely to restore the tranquillity of Ireland, and attributed the evils under which she laboured to the number of absentees.

Lord *Holland* said, that if he could confide to any man such frightful and unconstitutional powers as were granted by this bill, he would confide them to the noble marquis at the head of the Irish government. The powers, however, that were granted by the insurrection act, he would never again grant to any individual. He had once in his life supported such a bill; but, without any affectation, he would say, that the vote which he had given in support of it, lay like a lump of lead upon his mind, and was the only act of his political life, of which, upon a retrospect he sincerely repented. One of his objections to the bill was, the enormous extent of its powers. Allowing that they were necessary, still he would ask, why was not the bill conferring them accompanied by some measure of a conciliatory nature? One noble lord had attributed much of the evil in Ireland to the want of respect paid to the laws by the population of that country. He would, however, ask, were the laws themselves respectable? So long as they were of a nature like that upon their table, they would never excite respect in the breast either of the people or the magistracy. As an English gentleman, he would say, that if such a bill were passed in England, he would immediately throw up his commission as a magistrate; because he was convinced that no one could execute it without becoming a worse man, and a worse subject to a free government. The bill placed arbitrary power in the hands of those who were likely to abuse it, sometimes from fear, and at other times from a wish to take revenge. Indeed, he would rather confer such authority as it gave upon the military officers of the Crown, than upon those whom it employed in Ireland in a civil capacity. The bill was calculated to aggravate all the evils under which Ireland at present laboured. He therefore could not consent to the passing of such a measure.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, July 19.

STEAM BOATS—FOREIGNERS AT GRAVESEND.] Lord *Binning* presented

a petition from the coach proprietors, innkeepers, and others, in the high road from London to Dover, complaining of the injury which they sustained by the steam vessels going direct from London to France. They prayed that a tax might be imposed on Steam Boats.

Mr. *Hudson Gurney* said, that as the present discussion seemed to involve all grievances which did and did not arise from steam boats. He should address the right hon. gentleman opposite on one connected with his department; namely, the compelling all foreigners to exchange their papers, and take up their passports at Gravesend, to their great personal inconvenience, as they are obliged to go there the day before the vessel sails, and either wait its arrival or return to London, where, it should appear, the alien office would much more naturally have been the place for them to apply;—But, within a very few days, a foreigner of high rank had applied to, but was answered, he must go to Gravesend, and might then come back, and embark in London if he pleased. Mr. G. said, he did not mean to make of this a very serious evil, but it was a species of vexation of which the English would very loudly complain, if subjected to it in any foreign country.

Mr. Secretary *Peel* said, that he had that very morning given directions to remedy the inconvenience complained of. He was aware that steam boats from London to France had been running for some time, but he wished to wait until he saw whether they were likely to become permanently established. Finding that they were likely to continue, he had that morning given directions at the Custom House, that passports should be there delivered to foreigners, in order to prevent the necessity of their going to Gravesend.

Mr. *Gurney* expressed himself satisfied.

Aliens Regulation Bill.] On the order of the day for the third reading of this bill,

Mr. *Bernal* expressed his strong disapprobation of the principle and details of the measure. It was no longer called for by any foreign war, but the ground on which it rested was, that it was necessary for the sake of preserving our friendly relations with continental states. He contended, that though it was only to continue for two years, it contained in itself the seeds of perpetual regeneration. For the very reasons for which the measure was solicited, it might be shown to be impolitic, and unjust. If the ordinary law was not sufficient for repressing the plots and machinations of aliens, when any extraordinary danger arose, the minister might rely upon parliament to afford him powers equal to the emergency. If projects against foreign states were concerting here, it would be amply sufficient to preserve the bonds of amity, that the enterprise should be communicated through the medium of the established envoys. The bill had the effect of producing a degree of suspicion and distrust in the minds of strangers, wholly inconsistent with their previous notions of British hospitality and generosity.

Mr. *Wetherell* argued, that the principle of the Alien bill was as old as the constitution of the country. It was a power inherent in the Crown from the earliest periods. Every state in its first rudiments must have the right to admit, exclude, or send away those who were not its subjects. Magna Charta, in terms, applied to merchant strangers only; and they could not come, but under the safe conduct and protection of the king; by which in fact was meant the king's license. There were between 15 and 20 statutes, from the time of Magna Charta to the reign of Henry 6th, in which provision was made for the admission into our ports of merchant strangers only. How, then, could gentlemen contend, that a right, specifically granted for the purposes of trade, could be extended generally to persons having nothing to do with trade? Magna Charta gave the right of safe conduct to those who came here to trade; but it went no farther. This was the interpretation given to the passage by sir Matthew Hale, and other eminent men. There was a curious document now in existence, from which it appeared, that in the reign of Edward 3rd, a safe conduct was given to a merchant of Bourdeaux "to come here to prosecute his affairs;" which showed that the power to allow or to prevent the entry of foreigners into this country had been anciently exercised by the Crown. If a merchant were coming here, not to prosecute treason, but to prosecute his trade, it would, he admitted, be wrong to prevent him; but the question was, whether the state had or had not the right to exercise this power over aliens? Was language, which evidently

pointed at persons acting in a mercantile character, to be enlarged to the extravagant limits to which the genius or fancy of his learned friend (sir J. Mackintosh) wished to extend it? His learned friend had argued, that this privilege was given to foreigners, not only for the purpose of trade, but that the constitution granted it to all persons who pleased to make use of it. He denied the truth of this proposition. If persons came here simply to trade, it would certainly be a breach of Magna Charta to remove them; but he would on that principle graft this proposition, that persons coming here were amenable to the coercive power which every state possessed; and if they resided here under the mask and pretence of trading, but really with intent to acts injurious to the community, they might be sent out of the country. It was proper to inquire what the antecedent practice of the constitution was, in order to discover whether they were violating a principle indigenous to it. He must contend, that the same principle which anciently prevailed was still in existence, unless it could be shown that it had been repudiated and thrown away. Had not the state the same power over aliens that it always had over the natural-born subjects of the Crown? If it appeared that it had always exercised a similar power over the natural-born subjects of the Crown, it must follow, that it had a right to use a congenial and analogous authority over aliens. If he could prove that the Crown had the authority to say to its natural-born subjects, "You shall not quit the kingdom," or, being absent, to command their return, then he brought those who opposed the bill to this monstrous absurdity—that it exercised a power over its natural-born subjects which it could not enforce with respect to aliens—that it was strong where it ought to be weak, and weak where it ought to be strong. Strong where it ought to be weak, by exercising a power of coercion over its natural-born subjects and abridging their rights; but weak with respect to aliens, who, though not equal candidates for favour, were left in the possession of that privilege of which the natural-born subject was deprived. He would not contend that the alien should be placed in a worse situation than the natural-born subject; but he must argue that the latter ought at least to enjoy as extensive a privilege as the former. He was surprised to hear the learned member for Lincoln (Mr. J. Williams) say, that the writ *ne exeat regno* originated in a dark age; that it was only to be found in some hole or corner of the constitution. Fitzherbert, whose authority was highly respected, gave a laborious statement of the power and effect of the writ *ne exeat regno*. That writ might be applied; first, to prevent any persons from leaving the kingdom; 2nd, to prevent the departure of any particular individual; and, 3rd, if parties were abroad, the power of recall existed, by letters under the great or privy seal. The writ might be issued by the lord chancellor, *ex arbitrio*; by the secretary of state, or the keeper of the privy seal. Lord Hale, by his annotations, sanctioned the doctrine laid down in Fitzherbert. A case in which the existence of this controlling power was peculiarly manifested occurred in the reign of queen Elizabeth, and was to be found in Dyer's Reports. There a merchant left the country without license, under the 5th of Henry 2nd, which permitted none but nobles, soldiers, and merchants, to leave the country. Complaint was made of his departure, and the queen referred it to the judges. The question was, whether he went abroad for the purpose of trading, or for general residence; and the judges held, that as he was a merchant, he had a right to go abroad. In the time of James 1st, sir T. Dugdale went to Venice, and refused to obey the king's letters of recall. Prior to his going abroad, he had made over his property to a friend. It was questioned whether the property thus made over could be forfeited on account of his conduct; but the Court of Exchequer found that it was forfeitable. This showed that the Crown had exercised the power of inflicting a penalty on a natural-born subject for remaining out of the realm. In 1716, in the reign of George 1st, lord Wharton, who had been created a duke for the attachment he had manifested to the reigning family, changed his political sentiments, and attended at the court of St. Germain's. He was recalled, but he refused to obey the order, and confiscation of his property followed. Here they found that latent power in full operation, which they were told no one ever heard of, except in the "dark periods of the constitution." They would find that it had been resorted to in all times and ages, down to the reign of Geo. 1st.—He would next inquire into the power which the

state had over aliens. Lord Hale explained that point fully in his inquiry into the right of the Crown to open and shut the ports of the kingdom at pleasure. Now, surely, if the Crown had a right to keep out ships, it had also authority to keep out those who were embarked in them. Lord Hale spoke of the Crown as the bearer of the keys of all the ports and havens in the country. He could cite various letters from the time of Henry 3rd, which had been directed by the Crown to the governor of Dover, the archbishop of Canterbury, and others, to prevent foreigners from coming into this country in time of peace. If they ventured here, it was ordered that they should be sent back. At various periods this power was vigilantly exerted to prevent emissaries from the See of Rome coming to England. This was a clear proof of the exercise of that authority which they had been told never existed. But it was quite evident, that in some branch of the constitution that power always did exist, to prevent individuals who were not merchants from coming here. From a curious letter, to be found in sir Dudley Digby's compilations, it might be seen, that queen Elizabeth's lawyers conceived that the right of dismissing aliens belonged to the Crown. The letter contained instructions which the earl of Worcester was ordered to carry to sir F. Walsingham, then minister at the French court. The French king had complained that Elizabeth had received into her dominions the relics of the Hugonot party, after the massacre of St. Bartholomew. He demanded, "not only that they should be admonished, but that they should be commanded to return." Sir F. Walsingham was directed to expostulate with the French king; and the instructions were signed by lord Burleigh and sir T. Smith. Those instructions contained the following passage:—"It is the privilege of Great Britain to receive exiles of France and every other country; but if they attempt any thing to the disquietude of the realm, they are sent away." A case occurred in the reign of James 1st, where the court of Spain remonstrated against the expulsion of a Spaniard from this country. The answer was, "that he had been intriguing in the court." At the same time, some low-born Irishman insulted sir C. Cornwallis, our ambassador in Spain. He, however, did not request that the offender should be removed to Dublin, but merely desired that he should be lectured in private.—He went along with gentlemen on the other side in their feelings and principles respecting this bill; but he could not go along with them in saying that we abrogated the laws, and tarnished the glory of our ancestors, in advocating this doctrine. Aliens could not be domiciled in this country. How was that consistent with the rights alleged to be given by Magna Charta? They were entitled, it was contended, to live in this country; yet they must live under vines and fig trees, and sheltered only by the canopy of heaven. Merchants only were by law allowed to have houses. If the power of sending aliens out of the country was possessed only by the king and the parliament, then they might misconduct themselves while parliament was not sitting, without any power of sending them away. He agreed with gentlemen opposite, that if aliens were sent out of this country because they were unpopular at foreign courts, then the powers of the act were abused. That they should be accused of offences in foreign countries, was no reason for refusing them protection here. The regicides of Louis 16th, if they had sought shelter here, ought not to have been sent away. Exiles for crime ought to find an asylum in this country. The criterion was, whether this state was likely to be injured by their presence.

Mr. *Denman* said, that though he was not sanguine enough to believe that there was any chance of defeating this measure in the present session, he still hoped that it might be repealed in the next. With respect to the object and tendency of this bill, the feelings of his learned friend were involuntarily engaged on the side of those who opposed it; and he could not help thinking that this avowal had done him more credit, both as an English lawyer and a gentleman, than any of the arguments, however acute or ingenious, which he had urged in its support. Certainly, if this were merely a bill for modifying and regulating an ancient prerogative of the Crown, his learned friend would be entitled to consider it as a boon to foreigners, instead of an act of oppression. He had always considered the line of argument taken by his learned friend as involving a question of mere antiquarian research; but even upon this feeble and insufficient ground, he was prepared to meet the supporters of the bill. His learned friend admitted, that he could

not find in any historian, lawyer, or compiler, a single authority to show that this claim of prerogative was recognised as a part of the law of England. This concession involved the whole argument, for, if there was no such testimonial to be found, it was surely not too much to infer that such a prerogative, formed no part of the law of the land. His learned friend had said, that the same reasoning might be equally applied to the writ of *ne exeat regno*, and that there was no evidence of its frequent or modern exercise. But, was his learned friend prepared to contend that there was no more evidence of the writ of *ne exeat regno*, than of the alleged prerogative of the Crown, to send aliens out of the country? There was not a single compendium of law, in which the prerogative of the Crown to restrain subjects from leaving the realm was not mentioned. In Comyn's Digest, mention was made of the writs *ne exeat regno* and *revertatur in regnum*. But if they looked to the head of 'Alien,' either in that work or in Bacon's Abridgment, and to the enumeration of all the disadvantages under which aliens laboured, not the slightest intimation would be found of their being expellible from the country at a moment's warning, at the caprice of a minister of the Crown. Aliens were undoubtedly disqualified by the law of England from holding land; but it surely could never be the intention of our ancestors, who gave them the right of residing in this country, to deny them the shelter of a home. The right of aliens to sue in all personal actions was recognised by the law of England; and this right was wholly incompatible with the arbitrary power of sending them out of the country, during the prosecution of their legal claims. Mr. Fox strenuously denied that such a power existed in the Crown. Mr. Pitt never asserted it; and Mr. Burke admitted that it was only to be conceded under circumstances of extreme necessity. Not a single statute referring to aliens made the slightest mention of the existence of this supposed prerogative in the Crown. The proclamations were regarded by lord Coke as against the law of the land; and the objection to them received additional confirmation from Magna Charta. Either Magna Charter ought to be repealed, or this law ought not to be passed. He denied that there was any analogy between this law and the law *ne exeat regno*. The question came to be, who was the person who was to be sent out of the country; and that would be found to depend upon the will of the government. The impression upon foreigners' minds as to the measure might be seen from what had taken place in the late queen's case with respect to Marietti. Many aliens had requested not to be brought forward as witnesses on her majesty's behalf, from an apprehension that their evidence might cause the act to be enforced against them. In the case of alien jurors, the effect of the bill would be still more dangerous. He really thought that its existence would, in any cause where government was prosecuting, give a legal ground of challenge to the defendant. Where was the necessity for the bill? Arbitrary power might always be asked for as desirable; but it was not because it was convenient that it therefore ought to be granted. He saw nothing to apprehend from what had been called the ruining of empires. That we had lost America would not now be considered as absolute ruin. That South America was separated from Old Spain, was not an event pregnant with very dangerous consequences. From the downfal of the Bastile, and of the Inquisition, and of the principles which had supported those establishments, he augured nothing but advantage to the world. He should vote against the present measure, because he thought it most injurious both to the honour and to the interests of England.

Sir *R. Wilson* opposed the bill as a disgrace to the national character and as a measure not resorted to in France. Instances of the abuse of the act might be stated in numbers. Witness the case of general Gourgaud, sent out of the country upon the deposition of a worthless individual to whom he owed money. Witness the treatment, not only of Napoleon living, but of Napoléon dead. He would read a paper, signed by count Montholon, in which the count declared, that the executors had, at St. Helena, ordered a tablet to be placed, by Mr. Darling, on the emperor's coffin, with an inscription, as follows: "Napoléon Né à Ajaccio, le 15 Aout, 1769; Mort à Ste Héléne le 5 Mai, 1821." This tablet, sir Hudson Lowe, would not allow to be placed on the coffin, and would not even permit the initial of that name, which had filled, and will fill the universe, to be inscribed upon it. The bill would no doubt be passed this session; but the hon. member for

Durham would move for its repeal in the next.

Colonel *Stanhope* felt convinced that no person would object to it, who had not done something wrong in his own country. He would beg leave to ask the gallant gentleman, by what law he had been sent out of France?

Sir *R. Wilson* replied, by that power which had violated the convention of Paris.

The House divided: Ayes, 75. Noes, 32.

List of the Minority.

Abercromby, hon. J.	Mackintosh, sir J.
Baillie, Col. J.	Marjoribanks, S.
Barham, J.	Monck, J. B.
Barrett, S. M.	Moore, P.
Bennet, hon. H. G.	Palmer, Fyshe
Bernal, R.	Prendergast, M.
Burdett, sir F.	Rice, S.
Craddock, S.	Robinson, sir G.
Crompton, S.	Scarlett, J.
Davies, col.	Smith, W.
Denman, T.	Smith, J.
Forbes, C.	Smith, R.
Gurney, H.	Whitbread, S.
Hobhouse, J. C.	Wood, alderman
Hume, J.	TELLERS.
Lockhart. J. J.	Calcraft, J.
Lushington, Dr.	Wilson, sir R.
Maberly, J.	

Mr. *Hobhouse* then moved, that the bill be entitled. "A bill to repeal so much of the great charter of England, and of other statutes, as relates to the free ingress and free residence of foreign merchants in these islands, and to assimilate, in that respect, the executive authority of Great Britain to the despotic governments of the continent." — The House divided: Ayes, 20. Noes, 69.

The bill was then passed.

HOUSE OF COMMONS.

Tuesday, July 23.

PIRACY IN THE WEST INDIES.] Mr. *Canning* presented a petition from certain merchants, shipowners, and underwriters of Liverpool, complaining of the numerous piracies in the West Indian seas. The right hon. member, having detailed the contents of the petition, begged to add some facts with which he had been furnished regarding outrages committed upon British shipping. On the 13th Dec. 1821, when within five miles of Cape San Antonio, a British ship bound for Liverpool, had been stopped by a crew of armed men, who boarded her and demanded of the steward if there were any specie on board. The answer being in the negative, the man was instantly stabbed by the pirates. They then endeavoured to extort a confession from the captain, and compelled his own crew to hoist him up by the neck to the yard-arm, where he entreated his own mate to fasten weights to his feet that his misery might be more speedily terminated. Of course, this was not allowed, and when taken down and while lying on the deck in a state of almost total insensibility, the wretch who had stabbed the steward blew out the brains of the captain. The pirates were all either Spaniards or Portuguese. The right hon. gentleman mentioned some similar particulars, and observed that the petitioners had first applied to the Admiralty, which had represented the matter to the Court of Spain. No doubt, every step had been taken on the part of the British executive to remedy an evil so outrageous; but the petitioners felt that a time would arrive, if it had not arrived, when the mother country would be unable to redress the grievance committed under the flag of her colonies, and when it would therefore be necessary for this government to adopt some course for the protection of the trade of the empire.

Sir *G. Cockburn* said, that when these transactions came to the knowledge of government, it sent out instructions to the admiral on the station to seize all vessels which could not prove their nationality, and which had committed depredations on our trade: a statement was sent in answer to government, that no actual proof could be made of depredations committed by any particular vessel: government sent out fresh orders to the admiral requiring him to seize all vessels against which reasonable cause of suspicion existed. With respect to the depredation committed off Cape St. Antonio, the moment the government heard of that transaction it excited their attention. It appeared that the pirates lay at the point of St. Antonio in watch for vessels; that they anxiously looked out in order to distinguish merchant men from ships of war; and that sometimes they made their attack in schooners and sometimes in small boats. So long as our men of war were near the coast, these pirates did not come out, but as soon as they were driven off by winds or currents, the pirates came out in their schooners and boarded vessels that hap-

pened to pass. The land on the west coast of Cuba was jungle, only intersected by small paths, so that if our ships landed their crews the pirates would disperse through the country, and all that could be done would be, to burn their huts, which were of no value. If, however, Spain would send down a force from the Havanna, to attack their piratical settlements on the land side, while we sent a force against them on the sea side, we might bring them to the condign punishment which he would do the Spanish government the justice of supposing that it wished to inflict. As to the giving convoy to foreign ships, this was what the Admiralty always set their faces against; because it was impossible for the Admiralty to be acquainted with the arrangements between foreign nations as to the right of search, &c., and to give directions in following which the commanders of our ships could be secure against violations of the law. Before government could take any farther step, it was necessary to wait a reasonable time, to see in what way the Spaniards meant to act.

The Marquis of *Londonderry* said, that if the cases of aggression complained of were mere cases of undisguised piracy, there would be no difficulty in dealing with them; but the peculiarity was, that the piracy was perpetrated by vessels having commissions. At the commencement of the contest between Spain and her colonies, these commissions had been issued, not only by the provinces which carried on war against Spain on the sea coast, but by powers which had no ports, particularly by Artigas, whose commissions were sold to cover piracies. In consequence of this, the government had issued orders to seize all vessels sailing under commissions from governments in whose ports they were not fitted out. As to the local governments in South America, they had shown every disposition to keep their cruisers within bounds; and, considering the difficulties of the case, had made great efforts to do justice. But when the vessels sailing under the commissions he had described were seized, it was necessary to prove that they had committed acts of hostility. These orders were at last enlarged, and our ships were authorized to seize vessels of the description mentioned on suspicion. He now came to the particular acts of piracy complained of, which had taken place near Cape St. Antonio, and which were first brought under the notice of his majesty's government in March last. The facts were first communicated to him in a letter from the Admiralty, of the 23rd of March, 1822. The first was the case of the Martha; the second was that of the Harborough; the third was the case of the Alexander, of Greenock, seized by a piratical vessel, and the master and his crew murdered. He lost no time in transmitting a statement of the accounts that had been received from the Admiralty to Mr. Hervey, our ambassador at the court of Spain. The letter which was dated the 1st of April, directed Mr. Hervey to take an immediate opportunity of calling the serious attention of the Spanish ministry to the circumstances narrated, and to impress on them the necessity of putting an end to this disgraceful system. On the 14th of May, the Spanish minister for foreign affairs intimated, that directions had been given for the immediate discovery and punishment of the guilty parties. If, in the end, it should be found, that the Spanish government were not able to put down this system, it would then devolve on the British government to take steps for that purpose. But it would have led to very great difficulty, and would have involved considerable loss of property, if hitherto they had taken stronger steps than they had done.

Mr. *Bright* said, the acts of the pirates at Cape St. Antonio were such direct acts of piracy that he saw no such difficulty in dealing with them as had been described. He could not but admire the superior success of the American navy in dealing with these pirates. This was owing to no superior skill or activity in American officers, but to a better system. The active exertions of our officers in so important a matter should be encouraged; and when, in attempting to execute their duty, they fell into mistakes, they should be indemnified from the legal consequences.

Mr. *Marryat* said, the present was a question between the human race and its enemies. There was not now that difficulty respecting commissions that once existed, as those of Artigas had been called in by the authority that issued them. The diplomatic communications with Spain would produce little effect, as this country had just as much influence with the local government of Cuba as Spain had. Cuba, though not nominally independant of the Spanish government, had really paid no attention to the laws of Spain

since 1809; having opened her ports to all nations in defiance of the laws of Spain, and having legalized the admission and sale of slaves, equally in defiance of the dictates of the mother country. He thought it of great importance that this country should afford to the vessels of other neutral states the same protection against the pirates that neutral ships afforded to us. The piracies were increasing. Yesterday there were no less than three cases of ships plundered by pirates on Lloyd's books.

Sir *J. Mackintosh* said, he could not listen without strong feelings of indignation at the narrative of rapine and cruelty which had been practised on British subjects, and the insult that had been offered to the British flag. If they overlooked such an insult, even to the smallest vessel that carried the British flag, they would be unworthy of the name they bore. But as they were deeply interested, they were bound to speak with consideration and temper on matters of such importance, to show that they contemplated them seriously, and were seriously determined to maintain the rights and interests of the empire.

After some farther conversation, the petition was ordered to lie on the table, and to be printed.

CANADA GOVERNMENT AND TRADE BILL.] Mr. *Ellice* presented a petition, signed by all the respectable merchants of London connected with Canada, in favour of this bill. He confessed he felt some surprise and regret at hearing the present measure, the object of which was, to give an independent constitution to the provinces of Canada, assimilated, on a former evening, to that odious measure by which the British parliament sought to deprive the province of Massachusetts of a free legislature. He was satisfied that the bill would be received with gratitude by the great mass of the population of Canada.

Mr. *Bright* protested, on the behalf of our absent colonists, against the wickedness of introducing so iniquitous and abominable a measure at this late period of the session.

Mr. *Marryat* said, he had received strong representations from many persons connected with Canada, that the present bill was likely to produce the most injurious effects. Under these circumstances he should certainly oppose the passing of it, unless withdrawn until next session.

Sir *F. Burdett*, without entering into the abstract question, how far it was right to legislate for the interests of our colonies without previous communication with them, begged leave to protest against the exaggerated expressions of the hon. member for Bristol, which imputed to his majesty's government an act of gross injury and violent tyranny against the provinces of Canada. Feeling that great credit was due to his majesty's ministers for the very liberal views they entertained on this subject, and believing, that if the same enlightened system of colonial policy had been pursued in early times, it would have been much better for this country, he felt it his duty to protest against the harsh and violent expressions of the hon. member for Bristol, which had no foundation whatever in reason or justice.

Sir *J. Mackintosh* said, he had never applied any expressions of censure to the bill itself; for he admitted that the conditions of the union appeared to be fair and reasonable. He had certainly deprecated the attempt to pass a bill, depriving a free colony of their constitution without hearing their opinions and arguments for or against the measure. He confessed he had heard the sentiments of the hon. baronet on this subject with the utmost surprise. He had never carried his opinions, as to popular rights, so far as the hon. baronet. He venerated every part of the constitution, and he preferred and loved the popular part of it; but he had never carried his popular principles so high as the hon. baronet. This was the first time he had heard it argued, that an incorporating union of two great colonies was not a most essential alteration of their political constitution. The annexation of Holland to France might, on such principles, have admitted of an easy defence; and it might have been said to the former power, "We do not take away the rights of Dutchmen, but we only communicate to you the rights of Frenchmen." He objected to such an interference with the rights of a free people, on grounds wholly distinct from the merits of the constitution which might be imposed upon them. He no more wished to see liberty imposed on a people than despotism; for even liberty imposed on a people did not deserve the name, and was little better than despotism. The people of Canada had no less than two years' notice previous to the measure of 1791; whereas parliament was now called upon to make a total

change in their form of government without any notice, when they already enjoyed a free constitution.

The Marquis of *Londonderry* said, that as his majesty's government, instead of finding the support they expected, had been strenuously opposed, not on the principle of the bill, but on the period of the session at which it was introduced, it was obvious that the measure could not be passed, except under circumstances which were calculated to alienate the feelings of the people of Canada from the proposed arrangements. He lamented that the learned gentleman had opposed the measure in a tone of earnestness, which rendered it almost impossible to carry it through in the present session. Under all the circumstances, therefore, he felt it inconsistent with his public duty to press the measure, however much its postponement was calculated to injure the best interests of the people of Canada. He protested, however, against the principle, that parliament had no right to legislate for the best interests of the most distant dependencies, without previous communication with those dependencies. He could not conceive any principle more disastrous, since it was calculated to tie up the hands of the legislature from performing its most sacred duties.

Sir *F. Burdett* regretted the postponement of the measure, and trusted that no opposition would be offered to it next session. The operation of the bill would have been highly beneficial to both the provinces concerned; and he could not help thinking that the gentlemen who had opposed it, had been a little over scrupulous in the cause of technical objections and abstract principles.

Ordered to lie on the table.

RECOGNITION OF THE COLUMBIAN GOVERNMENT.] Mr. *Lennard* said, that as it was desirable that parliament, in its consideration of this question, should be aided by the knowledge of what was passing immediately with respect to it, he should move for the production of all correspondence between his majesty's government and the agents of Columbia. He did this in order that the House might be informed as to what demands of recognition might have been made by Columbia, and as to the manner in which those demands had been treated by England. He could not see that the success of such a motion could interfere in the negotiations existing between Spain and this country: still less could he anticipate any objection to his proposal upon the ground that, in the present state of the affair, it would be irregular for parliament to interfere. In coming, however, to the question of Columbian independence, he would not enter into any details as to the course of the South American contest. The result of the struggle, every one knew, was this:—Spain, late the tyrant of twenty-five millions of men in that country, was now completely expelled from the scene of her oppressions. One fortress in Columbia still remained unsubdued; but the free government had the means of reducing it at pleasure, and were only waiting an inevitable capitulation, in order to spare the unnecessary effusion of blood. Columbia was the first of the free states, let it be remembered, which had established a liberal and an independent constitution. The abolition of slavery, the freedom of the press, universal toleration, and a representative system of government—these were the leading features of the constitution of Columbia. And were they not such as to entitle her to the approbation of fellow nations? In cases similar to the present, difficulties might have been found; but in the present question, there could be no difficulty whatever. This was no acknowledgment of a struggle for independence—no recognition of the rights of a people who might be subdued and thrown again into bondage to-morrow—no question of assisting colonies who were in rebellion against their parent state. The Columbians had already established their independence; there was not the slightest prospect that Spain would ever be able again to disturb it. The government of Columbia was already independent *de facto;* and by delaying to acknowledge her title to independence, we injured her interests, and sullied our own reputation. The right of one country to recognize independence acquired by revolution in another, stood beyond all dispute. England herself had exercised the right not long ago, by acknowledging the revolutionary government of France. In fact, we had virtually acknowledged the independence of Columbia. We had acknowledged it by the commerce which we had carried on with her; and it would not be very creditable to the character of England, to have it said that she did justice in the case, only where she was interested in doing it. America had already

acknowledged the independence of Columbia. He regretted that in so honourable a course, America should have been allowed to take the lead of us. There were other circumstances which gave the South American colonies a peculiar claim upon England for the recognition of their rights. This country, in point of fact, had urged on the colonies to the attainment of the rights and liberties which they now possessed. In 1797, the governors of our West India possessions had been instructed to excite the South American states to throw off the yoke of Spain; and those states had only now adopted that advice which they were too weak to adopt at the precise time when it was first urged to them. Nor would he confine himself to the mere question of justice. England was, in truth, interested in the decision of the present question. Columbia had published a proclamation, declaring that no country should share her commerce which refused to admit her independence. Those who had attended the late meeting at the London Tavern must have seen what the feelings of the mercantile interest were upon the subject. Both for the sake of this country and of Columbia, government was bound to come to a speedy decision; and he therefore should sit down by moving, "That there be laid before this House, copies of all Correspondence which may have taken place between Mr. Zea, or any Agent of Columbia, and his Majesty's Ambassador at Paris, and his Majesty's Secretary of State for Foreign Affairs, respecting the right of the Columbian Government to be recognized."

The Marquis of *Londonderry* was somewhat surprised at the latitude to which some of the observations of the hon. mover had proceeded. It was not the custom to lay before the House proceedings which had not arrived at any result; and parliament would be placing itself in a rather embarrassing situation, if it interfered with arrangements in the stage of those in question, and took upon itself a responsibility which regularly belonged to government. His majesty's ministers had never refused to entertain any agents of what was called the Columbian government, although such person had not been received officially; and the representations of such agents had been discussed by government, and made the subject of communication with Spain. He (the noble marquis) did not mean to assert that our treaties with Spain bound us in every possible new situation which might arise in the world; but so, on the other hand, he must distinctly protest against England's being biassed by the example of any other country. For the documents moved for, they were already public; but it would be impossible for him (lord Londonderry) to make the general subject intelligible to the House at the present moment. He, for his own part, would never regulate the conduct of England towards Spain now, by what had been the conduct of Spain towards England under a similar emergency. He would make Spain feel her misconduct, if she had misconducted herself, by measures of liberality, and not by measures of retaliation. There had been every desire upon the part of government to cultivate good understanding and friendly intercourse with the provinces of South America. Every right of real value, as regarded their ships and their commerce especially, had been conceded to them; and upon measures of that character Spain could have no right to interfere with this country. As long as South America continued *de facto* a government, so long was England entitled to cultivate, *de facto*, a friendly feeling and communication with her.—Whether it would be advisable at the present moment to establish formal diplomatic arrangements with that country, became another question; and he doubted whether the facts of the case were sufficiently within the possession of the hon. mover, to enable him to arrive at a just conclusion upon the point. It would be better, he submitted, for the House not to call for information until it was prepared to adopt some course upon that information when received.

Sir *J. Mackintosh* thought it very fair to make a motion like the present, in order to give the House an opportunity of expressing its feeling upon the particular subject; and such motions had been attended with highly beneficial results. The questions for consideration were simply these:—Would it be convenient for England to recognize the independence of Spanish South America? and would such a recognition by England be any violation of the rights of Spain? Surely, neither of these questions could be connected with any secrets of state. There was a wide distinction between recognizing independence in colonies which had been our own, and admitting it in states over which

we had no control. There was nothing new in what was now proposed He would instance the case of the celebrated revolution of Portugal, when the duke of Braganza was declared king of that country. This took place in December 1640. In January 1641, the Cortes declared the duke king, and issued orders that the declaration should be communicated to foreign nations. Now, what was the conduct of England on that occasion? In January 1642, a treaty, not merely of recognition, but of amity, was signed between Charles 1st and king John 4th, and this without a rupture of the friendly relations between England and Spain. He would now proceed to the remarkable revolt of the United Provinces of the Netherlands from the authority of Spain in 1566. They had revolted against the bigotted dominion of the Spanish government, and in their declaration, published soon after, they stated that Spain had, by her system of misrule, forfeited all title to the government of the provinces. What was the conduct of England on that occasion? While the treaty of peace was in agitation between James 1st, and Philip 3rd, a communication was made from the English government to that of the United Provinces, intimating that nothing would be done by her against their interests. It further appeared, from sir Ralph Winwood's papers, that the minister of Spain, in the communications respecting the treaty, always styled the United Provinces as rebels against Spain. Notwithstanding this, the treaty was concluded; yet it never interrupted the amity between the government of Spain and this country. These instances completely showed that according to the practice of nations one government might continue in relations of strict amity with another, and at the same time recognize the government of provinces which had revolted from it. The case of Portugal and the United Provinces of the Netherlands were unanswerable in this respect. But the recognition of the independent provinces of South America was not sought for, to support any one of them against the power of the mother country. It was sought for, in order to support the interests of the subjects of this country. All that was asked was a treaty of amity, by which the persons and commercial interests of the subjects of England might be assured of equal protection in those provinces, which would be accorded to the subjects of states in amity with them. What was there to prevent our recognizing the States of South America. It was now three years since Spain had been able to send out a ship or a man to support her authority in those provinces. How long must our great commercial interests be put to inconvenience and risk before this recognition was admitted? He might be asked, what inconvenience could result to our commercial interests, if we did not now take the step which he conceived so just? He would leave it to men more conversant with commerce to enter into this part of the question; but he could not avoid saying, that by the establishment of friendly relations with the independent governments of America we should effectually prevent the inconvenience complained of by the merchants of Liverpool. If we had agents in those states, our commerce would be effectually protected; because those governments would have an interest nearly in preventing such piratical attacks upon our property. They had, in fact, offered to assist us in this object; and for what were we to refuse this? To wait until the fashion which had been adopted on other occasions allowed her to recognize the independence of South America. She had taken 67 years to consider before she recognized the independence of the United Provinces of the Netherlands; and were we to wait for a similar length of time, subjecting our commerce in the interim to such ruinous inconvenience, until Spain, who had not a ship nor a man to support her claim, should finally give it up? For these reasons, he thought his hon. friend entitled to the thanks of the country for having brought this subject forward.

Sir *R. Wilson* wished to ask whether the question of South American independence was clearly a British question, or fettered in any way by the treaties at Aix-la-Chapelle?

The Marquis of *Londonderry* said, the whole was purely a British question, uninfluenced by foreign powers, and resting only upon the law of nations, and the character of generosity and prudence which he trusted this country would ever maintain.

After a short conversation, the House divided: Ayes, 18. Noes, 53.

HOUSE OF COMMONS.

Wednesday, July 24.

POOR-RATES IN IRELAND.] Mr.

Spring Rice presented a petition from Middlesex and Surrey, recommending the establishment of poor-rates in Ireland.

Mr. *Hudson Gurney* said, he wished the petition had been from two Irish, instead of from individuals of two English counties, as he was perfectly convinced that the great calamities which at present afflicted Ireland were entirely occasioned by their having no poor-laws. He was far from stating that all the provisions of the English poor-laws were to be recommended, or that their administration was not susceptible of great amelioration; but until there was, in some shape or other, a localized provision for the sustenance of the poor, under the pressure of adverse circumstances, the state of Ireland could never be other than it was—a perpetual recurrence of misery and insurrection.

Mr. *Dawson* said, that if the poor-laws were introduced into Ireland, the result would be, that the poor would have to support the poor.

Mr. *S. Rice* thought the introduction of the poor-laws into Ireland would be productive of additional evil to that country. He called upon the hon. member to consider that the poor-laws in England had no other effect than that of depriving the poor of that independence of character which had formerly distinguished them.

Mr. *Hume* deprecated the idea of introducing the poor-laws into Ireland. Let the hon. member look at Scotland. There existed no poor-laws in that country, and yet in no part of it was any severity of distress experienced. He hoped that the ruinous system of poor-laws now existing in this country would, in the course of a short time, be much altered, if not entirely abolished.

Ordered to lie on the table.

ANTIENT HISTORIANS.] The House having resolved itself into a committee on this subject,

The *Chancellor of the Exchequer* expatiated on the advantages of having an uniform and regular edition of our Antient Historians published by authority and at the public expence. This was the more necessary, because individuals were in the habit of printing imperfect copies, which were very carelessly collated, if collated at all. He hoped that even at the present time, when the public money required to be expended with so much care, a sum, which probably would not exceed 2,000*l.* a year, might be spared for this purpose. He concluded by moving, "That an humble address be presented to his Majesty, to represent to his Majesty, that the editions of the works of our Antient Historians are incorrect and defective; that many of their writings still remain in manuscript, and in some cases in a single copy only; and that an uniform and convenient edition of the whole, published under his Majesty's royal sanction, would be an undertaking honourable to his Majesty's reign, and conducive to the advancement of Historical and Constitutional knowledge: That this House, therefore, humbly beseeches his Majesty to give such directions as his Majesty in his wisdom may think fit, for the publication of a Complete Edition of the Antient Historians of this Realm: and that this House begs leave to assure his Majesty, that whatever expense may be necessary for this purpose will be made good by this House."

Sir *J. Mackintosh* felt great satisfaction in seconding the motion, and considered the work proposed to be one of the very highest utility. Generally speaking, the government of England was a little in arrear as to its patronage of literature; but it was highly creditable to the state of society in this country, that we saw works got up by individual enterprize which in other countries would have required the assistance of the legislature. With respect to the work in question, however, there were a variety of causes —the great capital required—the great devotion of time—the limited extent of probable sale—and certain laws which pressed heavily upon the publication of expensive works—which were likely to prevent its being performed by individual speculation. For the conductor of the work there was an individual (Mr. Petrie, of the Tower) eminently qualified; and if he were not employed immediately, the desire of employing him might come too late. The work would be a history of the progress of the constitution; and, as such, it would be extremely valuable; and, whatever might be the anxiety not to spend the public money unnecessarily, there could, he thought, be no objection to the principle of the address.

Mr. *Hume* did not object to the measure, but he hoped that the business would not turn out as the institution of the Irish Record Office had done. More

than 70,000*l* had been paid by the public to that establishment, and the result obtained was trifling indeed. He should recommend, with respect to the work now proposed, the presenting of an annual report to parliament.

Mr. *Goulburn* said, that the matter was under consideration. It should be remembered, however, that if the proceeds had been small, the work was of a most laborious and intricate description.

Mr. *Hudson Gurney* trusted, that what had fallen from the hon. member for Aberdeen respecting the Irish commission of records (of which Mr. G. said he knew nothing), would not be construed to the prejudice of the proceedings of the commission of records in England. In fact, apparent slowness of proceeding was of the first importance. No man not employed in it, could appreciate the degree of patient labour which was required, first in becoming acquainted with, and then in examining and arranging the materials, before works of this nature could, with any hope either of correctness or completeness, be committed to the press. It was well known the public were indebted to lord Colchester, the late Speaker of that House, for the establishment of the Record Commission; for which he considered that noble lord entitled to the gratitude of his country; our records being, he believed, the most ancient and least imperfect of those of any nation in Europe, but, in their then state, for the most part inaccessible, perishable if not perishing, scattered, and uncalendared. The object of the commission was therefore to preserve and render them accessible as documents, by printing and indexing them; and the only error at first committed was the hurrying the sub-commissioners somewhat too much—probably in order to have something to shew for the money expended—by which some of the earlier volumes were rendered less perfect than they otherwise might have been.—As to the object more immediately before the House, almost every nation in Europe had published, or was now publishing, an authorized edition of their earlier national historians; and he considered it a circumstance of great good fortune that the work was to be commenced here at a period when we had the benefit of a gentleman ready to undertake it, gifted with the extraordinary qualifications for the execution of such a task, which were combined in the present keeper of the Records (Mr. Petrie), who came to the work prepared by the labour of a life, and with a knowledge of his subject which probably had never been attained by any other individual.—With regard to the expense of the undertaking, it was one which might ultimately be expected nearly, if not quite, to defray itself; the slowness of the return being, in a pecuniary point of view, the only reason why it could not have been ventured on as a private speculation. It must be obvious, however, how imperfectly any association of individuals could have carried through a collection of this nature, where the authority of government could alone give those facilities for search and collation which would be necessary for its completion.—It should at the same time be observed, that in the sale of this, and any other of the publications of the commission of records, there would be a wide difference; all their other works being merely of such document as would be purchased by public libraries, and by such persons as were engaged in a particular line of study only. The sale though certain must, of these, be extremely slow: but, in the case of the National Historians, the direct reverse might be looked to. All those persons, now extremely numerous, who were collecting libraries of any nature or extent, would be certain to purchase them. So that in fact, after the first volume or two, it seemed very doubtful whether the work would require from the public funds any considerable assistance.

Mr. *Bennet* said, he never gave a vote in his life with more satisfaction than the present, but he should wish to see it a work of general utility, and one which, devoid of unnecessary splendour, might find easy circulation.

Mr. *Wynn* said, he did not wish for any unnecessary splendour, but still the work should be published in a manner worthy of their character.

Mr. *Bright* hoped the ancient works would be published at full length.

The resolution was agreed to.

HOUSE OF COMMONS.

Thursday, July 25.

FINANCE RESOLUTIONS.] Mr. *Hume*, in bringing forward his resolutions, assured the House, that if he had not been strongly impressed with the absolute necessity of calling their immediate attention

to the subject, he should have abstained from addressing them at this late period of the session. He considered the subject of vital importance, and was anxious to avert the ruinous consequences which he foresaw would ensue, by persevering in the present system: and, he thought the House would not do its duty if it separated without inquiring how the finances of the country had been managed, or rather mismanaged for the last 29 years. He intreated their indulgence while, as shortly as possible, he entered into such details as were necessary to render his statements and opinions intelligible. In the resolutions he had stated the facts as correctly as he was able and the inferences from them as distinctly as possible.

The resolutions were in the hands of members and they could refer to the documents from which he had formed the opinions he was about to offer to the House. It was, doubtless, a bold measure on his part, to impugn a system begun by Mr. Pitt, pursued for 36 years, and approved by so many financiers in this and other countries.

But he (Mr. Hume) disputed the principles on which the sinking fund was established, and should prove, on the clearest evidence, that these principles were erroneous, and that the public mind, both at home and abroad, had been led astray on that subject. Much difficulty often arose in discussions by not agreeing upon the precise meaning of the terms to be used; he would, therefore, set out by stating that he meant, by a sinking fund a sum of money set aside to accumulate at compound interest, for the purpose of forming a fund to pay off debts. As this definition would prevent any mistake, he would inquire what expectations were formed from the sinking fund at its establishment, and how far they had been realized. It was obvious, that Mr. Pitt when he established it, thought that it would ensure the salvation of the country by discharging the national debt.

In his address to the House on the 29th March 1786 he said, "This plan which I have now the honour to bring forward, for the purpose of paying off the national debt, has long been the wish and hope of all men, and, I am proud to flatter myself that my name may be inscribed upon that firm monument now to be raised to national faith and national prosperity."

He (Mr. Hume) differed wholly from Mr. Pitt both in the principle and possible results of that plan. It was his opinion that no government could have a sum of money at compound interest beneficially employed as a sinking fund within itself—he meant—by "within itself"—that no state, taking a portion of its surplus revenue and purchasing its own stock, or debt, could create any accumulation or aggregate sum with more beneficial effects towards the reduction of the debt than if the money, set aside for the sinking fund, had been employed from year to year to purchase a portion of the debt and immediately to cancel it. In pecuniary transactions between individuals no advantage could accrue to the one, but at the expense of the other; and, if the sinking fund accumulated at compound interest by receiving the dividends on the stock, it was evident that whatever the sinking fund had gained, the public must have lost. He would endeavour to illustrate this point by stating a case. If he had a debt of 1,000*l.* bearing interest, say 5 per cent, and laid aside from his income 10*l.* a year to accumulate at the same rate of compound interest to pay off that debt, it must be evident, that at the end of 5 or 10 years the reduction of the debt would only be as great as if he had paid off 10*l.* in each year of the principal, the interest of which would then have ceased. He would most confidently state, that no sinking fund, whether applied from surplus revenue, or raised by loan, in this, or in any other country, had ever paid off so much debt, as might have been paid off, if the sum, set aside for the sinking fund, had been applied to pay off the principal of the debt yearly, and immediately to cancel the interest on the same. It was not in the power of figures, he contended, to show a gain of a single farthing, by any operation of a sinking fund. But, on the contrary, all the expenses attending its management must be an immediate loss. Besides which, he would show, that, by the operations of the sinking fund during the last 29 years, a great loss had been incurred by borrowing for the sinking fund on more disadvantageous terms than those on which the debt had been redeemed; but no person could know the real extent of that loss, or believe its magnitude, except by a laborious calculation of the interest and charges of the loans and purchases in each year.

The rate of interest of money, like every thing else, depended on the demand and supply; and if, instead of borrowing 600 millions in 29 years, the government had

only borrowed 300 millions, it was fair to infer that they would have procured the smaller amount on better terms than they obtained the larger. There was another and a greater error in the financial transactions of the country; it was, the ruinous system of borrowing annually for the public expenditure, instead of raising the supply for the year, within the year. The House would be surprised to learn, by a reference to his 15th resolution, that during the whole 29 years (keeping out of view the charges for new debt, and sinking fund), the total expence of the civil list, the military and naval services, and every other charge of government, on precisely the same scale as had been carried on, would have been defrayed by raising an additional sum of only 5 or 6 millions by taxes in each year, instead of borrowing, as had been done, 25 millions in each year, on an average of these years. If the course to which he alluded, had been adopted, the interest of the national debt would now have been between 7 and 8 millions instead of about 32 millions, its present amount. The whole expense of the state for these 29 years might thus have been covered by 138 millions additional raised by taxes within these years, instead of saddling ourselves with a permanent charge on loans to the amount of 609 millions. It was to be regretted that wiser measures had not been pursued; and, although it was now impossible to recall the past, the knowledge of these facts might be of use to guard against similar errors in future. In drawing up the resolutions, he had had recourse to all the printed documents he could procure, and also to the manuscript papers in the Journal office: but, it was probably known to those members who attended to the finance accounts,* that a paper was laid before parliament in 1816* stating that no correct accounts of the actual expenditure of the country from 1793 to 1797, had ever been made up. He had, therefore, in calculating the amount of 138 millions as the excess of expenditure beyond the income from taxes for the 29 years, from 1793, taken the first 5 years on estimate: But, since his resolutions were printed, he had received correct accounts from the Treasury, of the expenditure for those years. By which it appeared that he had allowed 15 millions more for the expense of those years than he ought to have done; and, that consequently 123 millions of additional taxes would have sufficed, instead of the 138 millions, to cover the expense from 1793 to 1822, if the system of borrowing had not been acted upon.

Having made these general observations he should now proceed to explain his views in submitting these resolutions to the House. These were, first to show the national debt as it stood in January 1793, and in January 1822: 2ndly, what it would have been if supplies had been raised, to the amount of between 5 and 6 millions a year, on the average of the 29 years: and 3rdly, what it would have been, if there had been no sinking fund operations carried on during that time.

He had, in the first resolution, stated the capital of the debt funded and unfunded, and unredeemed on the 5th of January 1793, at 239,350,148*l.*; and, by the 35th resolution, at 836,312,767*l.* on the 5th January 1822. This he did to make himself intelligible to those who were in the habit of considering only the capital of the debt. He did not himself consider the amount of the capital of the debt of much importance; but it was very necessary to distinguish between the amount of the capital of the debt, and the amount of annual charge payable for the same, because the chancellor of the exchequer had, in former years, stated to the House that he had reduced the debt 27 or 28 millions, although it was proved by the annual accounts, that the charge to the country for the debt, had regularly increased. There were many financial operations that might reduce the nominal amount of the capital, whilst at the same time, the annuity charge was increased, as took place in 1818, in converting the 27 millions of 3 into $3\frac{1}{2}$ per cents.

To render the subject more intelligible, he had divided the 29 years which his view embraced, into two periods,—the first from 1793 to 1817, and the second from 1817 to 1822.—He had done so, because during the whole of the first period, there was an excess of expenditure over income, and during the latter, there was an excess of income over expenditure. The union of the Exchequers took place also on the 1st of January 1817, and the accounts of Ireland are only included in the latter period. Between 1793 and 1817, the debt, funded and unfunded, had

* Parliamentary Paper, No. 412, of 1816.

been increased 618,163,857*l*., as stated in the 2nd resolution; and of that sum, 584,874,557*l*. was raised by loans, and by the funding of navy, victualling, transport and Exchequer bills; and 33,289,300*l*. of the unfunded debt by the issue of Exchequer bills. For the funded debt thus contracted, there was paid into the Treasury in cash, as stated in the 3rd resolution, 579,791,388*l*., leaving a difference between the sum funded and the receipt of cash, of no less than 5,083,169*l*., which amount never reached the Treasury, and was a loss by discounts for prompt payment, and for management of the same at the Bank of England. Besides that loss by discount, it was to be observed, that from the very day on which the contract took place, and frequently for months before the instalments were actually paid, the stock created bore interest, which he would denominate anticipatory payments. Thus, if a loan were contracted for in March, the bargain was often so made, that the contractors should receive discount on prompt payment, and also the dividends on the whole amount from the preceding January. He had made out an account current of each loan, in which he had debited the interest on all dividends paid before the instalments were made, and had also credited the interest on the instalments; and these accounts annually made up with compound interest at the average rate of 5 per cent, which the loans bore, showed that the public had lost, by these transactions, 30 or 40 millions sterling. This was an account that had been overlooked in all former financial statements, and he had not introduced it in the resolutions before the House, because his account was not then quite finished. He ought not to omit another bonus to the contractor, and loss to the public, by the exemption of the first dividends of every loan from the income tax, during its existence. He had a statement of the financial transactions of each year, from 1793, in preparation, showing the total amount of charge of every kind on each loan, and stating the gain or loss, and the amount of interest, up to the period when the account of each was settled. These calculations would bear out the statement in his 24th resolution, that during a period of 29 years the public had sustained a loss by the operations of the sinking fund, of 38,146,262*l*., of 3 per cent capital, arising from the different terms on which money was borrowed and redeemed. He did not produce the calculations contained in his resolutions merely on his own authority, he had availed himself of the assistance of persons who had devoted their time and labour gratuitously in furthering the object he had in view. He was particularly indebted to a gentleman of the name of Marshall, who had devoted his time to the subject, with an assiduity worthy of its importance. But, though that gentleman was an excellent arithmetician, every one of the calculations had been checked by other persons to make them as correct as possible.

The 4th resolution was one of considerable importance, to which he wished particularly to draw their attention, as it showed the total amount of money borrowed in the 24 years from 1793 to 1817; the total amount of debt contracted, and the several denominations of 3, 4, and 5 per cent stock and terminable annuities; the rates at which the same were borrowed and the permanent charge thereby incurred. There is much difference of opinion, as to the advantage of borrowing money, by funding in the 3, the 4, or 5 per cents; and an hon. member had, a few nights ago, pronounced his unqualified disapprobation of ever borrowing in any other than 5 per cent stock. But, as the benefit or loss is a question of account, he (Mr. Hume) had thought it right to show the actual charge, by borrowing and the relative value of each of these stocks; and, it would be seen, by the 5th resolution, that, if the conversion of the 4 and 5 per cent capitals and terminable annuities was made at the average relative money prices they bore to 3 per cents at the time they were funded, the total amount in 3 per cent capital, would have been only 975,784,592*l*., instead of 1,001,348,166*l*., the amount of 3 per cent capital calculated by the amount of annuities paid. By that statement there was a difference of 25,563,574*l*. of 3 per cent capital less, contracted, than at the par price of 100 stock for every 3*l*. dividend; and that difference of capital was an equivalent for paying a higher rate of interest on the 4 and 5 per cents. To explain this, he would suppose the price of the 5 per cents, at the time they were funded, to be 90*l*., the contractor would have received 100*l*. of 5 per cents for his 90*l*. sterling, yielding him 5*l*. a-year of dividend; but,

if he had purchased 3 per cents at 60*l.*, which was their relative price at the time, he would, for his 90*l.* have received 150*l.* stock, bearing an interest of only 4*l.* 10*s.*; or 10*s.* less for the 3 than for the 5 per cents, which ten shillings, if suffered to accumulate for thirty seven years, would amount to a sum sufficient to pay off the increased amount of capital created by funding in the 3 instead of the 5 per cents.—The conclusion was, that if they borrowed in 5 per cents, and continued to pay the dividend longer than 37 years, a loss was suffered after that time; but, if the 5 per cents were paid off before the end of that period, there was a gain in proportion to the number of years that remained unexpired of the 37. He noticed this to show that he was aware of the relative advantage of funding in each kind of stock; and, at the same time, to satisfy those who might have doubts on the subject, as well as to obviate any objection that might be urged against him for not having, in his conversion of the several capitals into 3 per cents for the purpose of comparison, met the subject fairly.

The 6th, 7th and 8th resolutions showed, that during the 24 years, from 1793 to 1817, the commissioners of the sinking fund had received in money from the Treasury the sum of 388,585,038*l.*, which had been borrowed in that time. That in raising that sum, an annuity charge in perpetuity, at the rate of 5*l.* 3*s.* 7½*d.* interest per cent, had been incurred by the Treasury: and, if the commissioners had redeemed with that money an equivalent annuity, no loss would have been sustained, except for discount, anticipatory payments, and charge of management: but it appeared, that they had only redeemed stock yielding an annuity at the rate of 4*l.* 17*s.* 2*d.* per cent, thereby incurring an annual loss of 602,830*l.* of annuity charge, equal to 20,094,333*l.* of 3 per cent capital.

As it was important to show the diminution of capital and annual charge of the public debt by operations independent of those of the sinking fund, he had, in the 9th resolution, brought into one view all the sums that had fallen in, and been applicable to, the reduction of the national debt, and which would have been equally effective for that purpose if there had been no sinking fund. The amount of these various items, together with the charges of management on the capitals cancelled, showed a diminution in the annual charge (in the 24 years) of 1,538,365*l.*; but as 225,254*l.* of life annuities were created by cancelling the 8,449,305*l.* of 3 per cent capitals, under the act 48th Geo. 3rd, c. 142, the immediate diminution of annual charge for the year 1817, would have been only 1,313,111*l.* if there had been no sinking fund, with the subsequent reduction of the difference of 215,254*l.* of annuities, as the lives fell in.

The 10th resolution stated the total revenue of Great Britain, in the 24 years between 1793 and 1817, from taxes alone (including the small branches of hereditary revenues, but excluding loans), at 1,114,318,563*l.* sterling.

The expenditure for the same period, as set forth in the 11th resolution, was 1,235,982,479*l.* sterling, making the excess of expenditure over income, in that time, 121,663,916*l.* as stated in the 12th resolution.—During these 24 years, there were remitted to and from Ireland large sums, as stated in the 13th resolution, leaving a balance on the remittances, of 16,685,124*l.* to be added to the expenditure of Great Britain, and thereby increasing the excess of expenditure of Great Britain to 138,349,040*l.*, which, by the more correct subsequent account received from the Treasury, would be reduced to about 123 millions.

The 14th and 15th resolutions showed, that, if that excess of expenditure had been met by about 5 millions of additional taxes raised within each year, instead of by loans, the total amount of capital of debt unredeemed on the 5th of January, 1817, would have been only 207,706,535*l.* at an annual charge, including management, of only 7,890,868*l.* instead of being 817,415,237*l.* of capital, and 30,628,234*l.* of annual charge.—A revenue of 35 millions a year would then have sufficed to pay the interest of the debt, and to keep up all the establishments of the country, even on their present extravagant scale, instead of 58 millions which we were obliged to pay.—The union of the Irish and English Exchequers had imposed an additional charge on Great Britain, as stated in the 16th resolution; and it was necessary, before proceeding farther, to bring that into view. The total amount of the funded and unfunded debt of Ireland, on the 5th of January 1817, was 28,739,869*l.* at the annual charge of 1,323,775*l.*; which, added to the debt of Great Britain, made the

whole debt funded and unfunded, of the United Kingdom, on the 6th January 1817, 846,155,106*l.*, and the annual charge 31,952,309*l.*

Having thus separately explained the resolutions respecting the first 24 years, and traced the progress of the sinking fund and debt, from 1793 to 1817, he proceeded to the second period, from Jan. 1817 to January 1822. It appeared, by the 17th resolution, that during these 5 years there was raised by taxes, in the United Kingdom of Great Britain and Ireland, the sum of 296,454,538*l.*, and the whole expenditure, exclusive of the sinking fund, during the same period, was 288,925,669*l.*, leaving an excess of income over expenditure, in these 5 years, of 7,528,869*l.* What he (Mr. Hume) must consider a most extraordinary part of the financial transactions was, that, although there had been a surplus revenue of upwards of 7½ millions; yet in that period, they had borrowed the enormous sum of 90,761,921*l.*, as appeared by the 18th resolution. The purposes to which this money was applied were set forth in the 19th and 20th resolutions. The sum of 82,053,758*l.*, borrowed at an annual charge of 3,418,818*l.*, and paid to the commissioners of the sinking fund, had been applied to redeem an annual charge of only 3,388,857*l.*, occasioning thereby a loss of 3*l.* 4*s.* of 3 per cent capital on every 100*l.* of money expended by them: or, in gross, a loss of interest in perpetuity of 7,998,618*l.* per annum, equal to 2,665,876*l.* of 3 per cent capital—a lamentable result of the sinking fund operations for 5 years.

Having shown the operations of the sinking fund in the first and second periods, he would now state the result of both, as explained fully in the 21st, 22nd, 23rd, and 24th resolutions.

In 29 years, from January 1793 to January 1822, the sum of 675,636,477*l.* was funded at an annual charge of 33,813,799*l.*, being an average interest of 5*l.* 0*s.* 10*d.* per cent. Of that sum, 270,638,796*l.* in money, at an annual interest of 13,651,477*l.* was paid to the commissioners of the sinking fund, who applied it to redeem stock, yielding an annual dividend of only 12,507,090*l.*, being at the rate of 4*l.* 12*s.* 5½*d.* per cent interest, thereby occasioning a loss of 14*l.* of 3 per cent capital on every 100*l.* of money expended by the commissioners, equal to 8*s.* 4½*d.* per cent interest per annum on the whole amount; or in gross, an aggregate loss of annual interest of 1,144,387*l.*, equal to a capital of 38,146,262*l.* of 3 per cent stock.—This loss, although great, was, as he should show, only a small part of the loss which the public had suffered by the erroneous system of finance which had been so long acted upon. It had been shown by the 9th resolution, that capitals equal to 31,643,613*l.* of 3 per cents, paying an annual interest of 1,538,365*l.* had been cancelled in 24 years from 1793; and, by the 25th resolution, that capitals equal to 3,583,497*l.* of 3 per cents, paying an annual interest of 211,222*l.* had, in the same manner, been cancelled in the five years, from 1817 to 1822. As the capital of the funded debt of the United Kingdom, in January 1817, was 796,200,191*l.*, at the annual interest of 29,870,852*l.*, it would have been reduced in January 1822, by the amount of capital cancelled in these 5 years, to 792,616,695*l.*, at the annual interest of 29,659,630*l.*, instead of its standing at 795,312,767*l.*, at an annual interest of 30,015,786*l.*, as stated in the Annual Finance account for 1822, showing an additional charge to the country of 356,156*l.* of perpetual annuity for increase of funded debt.

There was, by the 26th resolution, an apparent reduction of 17,283,184*l.* in the unfunded debt of the United Kingdom, in the 5 years, from January 1817 to 1822; but, as in that time, there was an excess of 7,528,870*l.* of revenue from taxes, over the expenditure, and 8,232,458*l.* charged in the expenditure of the consolidated fund, entered as paid, in the expenditure stated in the 17th resolution, but not paid, making together the sum of 15,761,328*l.* The actual reduction of the capital of the unfunded debt was thus only 1,521,856*l.* to meet the increase of the interest in the funded debt of 356,156*l.*, equal to 11,871,766*l.* of 3 per cent capital, as shown in the 25th resolution.—The whole of that deficiency of the Consolidated fund had taken place since January 1817; and the Exchequer bills issued each quarter to make it up, were not included in the amount of the unfunded debt, though equally a debt incurred in that time.

The 27th Resolution contained a conclusion fairly deducible from the facts stated in the foregoing ones, and affirmed that no reduction, whatever, of the debt had been effected by the operations of the sinking fund; but, on the contrary, a loss of six shillings and 4½*d.* per cent in-

terest on the whole amount, had been incurred by borrowing at 57*l.* 18*s.* money for every 100*l.* of 3 per cents, whilst they redeemed at 61*l.* 14*s.* money for every 100*l.* of 3 per cents.

The 28th and 29th Resolutions were very important, as they stated the results he was most desirous to establish.

The total amount required for the service of the country, beyond the amount of revenue by taxes, in 24 years, had been shown to be only 138 or 123 millions, whilst 618 millions had actually been borrowed to pay that amount.—And, by the system that had been pursued, the sum of 479,814,817*l.* had been incurred as a debt to pay that excess of expenditure, in the proportion of 291,229,779*l.* for interest and charges, and 188,585,038*l.* to the commissioners of the sinking fund. In the 29th resolution, the deduction he drew was, that the system of borrowing, either for excess of expenditure, or for the sinking fund, created a necessity for borrowing progressively increasing in proportion to the sum borrowed: and that the borrowing only the sum of 188,585,038*l.* for the commissioners of the sinking fund, had entailed a burthen considerably exceeding the loss of the 20,094,333*l.*, as stated in the 8th resolution, to have been incurred by redeeming stock on worse terms than those on which it was created. —It was not easy in a speech to explain the manner in which these complex transactions had operated to increase the debt so enormously; but, the calculation of the loss on every loan, from year to year, would, he was confident, prove the foregoing statement to be much underrated.

If there had been no sinking fund, the sum requisite to have been borrowed, to pay the 138 millions of excess of expenditure with compound interest, would have been, as stated in the 30th Resolution, only 360 millions, instead of 584 millions, which had been required for both.

It had been shown, by the note to the 16th Resolution, that by borrowing 584 millions in 24 years, the annual charge for the debt was 29,870,852*l.* on the 5th Jan. 1817; and, by the 31st resolution, it was shown, that, if there had been no money borrowed for the sinking fund in that time, there would have been 2,433,310*l.* less of annual charge, because 300 millions would have sufficed for the excess of expenditure with all its interest—and the annual charge would then have been only 27,437,542*l.* instead of 29,870,852*l.*

It would be seen by the 32nd resolution, that the reduction of 2,433,310*l.* of annual charge of interest in Jan. 1817, if only 360 millions had been borrowed, as stated in the preceding resolution, would have made the surplus revenue, in the 5 years from 1817, to 1822, to amount to 21, instead of 7¼ millions, and if that amount had been applied to the redemption of 28 millions of debt, would have still further reduced the interest of the debt in Jan. 1822 (if there had been no sinking fund), to 26,386,320*l.* instead of being 30,015,786*l.*, and produced a saving of 3,629,466*l.* of annual interest.—And, if only 340 millions had been borrowed, the saving would have been 4½ millions of perpetual yearly charge.

It was fair to conclude that, if the sum of 360 only, instead of 584 millions had been borrowed in these 24 years, the loans would have been procured at a lower rate, and, if at the rate of only ¼ per cent less, there would have been a saving of 1,800,000*l.* of annual interest; and if, at ¾ per cent less, a saving of 5,133,310*l.*, as stated in the 33rd resolution. And, calculating on the principle laid down in the 32nd resolution, the actual saving to the public would have been 6,749,466*l.* of annual charge; and the annual charge of 1822, would then have been 23 instead of 30 millions, equal to 225 millions of 3 per cent capital, as stated in the 34th Resolution.

Whether the rate of interest on smaller loans, would have been as low as he had estimated, could not now be ascertained; but, we might judge by experience in parallel cases: and, in support of his opinion, he would state one instance out of several that might be adduced.—The chancellor of the exchequer gave notice for a loan of 24 millions to be contracted for on the 5th or 6th of June, 1819, and preparations were accordingly made by the contractors; on the 4th of June, however, the chancellor intimated that he should only require a loan of 12 millions from the public, and that 12 millions would be taken from the sinking fund. This reduction of the amount of loan had an immediate effect on the funds, which, on the 4th of June, were at 65½ in expectation of the loan of 24 millions, and rose the next day to 71¼. It was the reduction in the amount of the loan that had alone raised the price, and a loss

of 8*s*. and 4*d*. per cent on the 24 millions, equal to 3,334,000*l*. of 3 per cent capital, was thus prevented to the country. He (Mr. N.) considered that example decisive in support of his opinion. It was well known that the preparation by the contractors for taking every loan was in proportion to the amount of the proposed loan. If large, they sold out stock largely to be prepared for it, and the price of the stocks fell accordingly.—As the terms of the loan depended on the price of stock in the market on the morning of the day of contract, it was evident, that the more extensive the sales were to be proposed for the large loans, the lower the price would be, and the worse the terms to the public.

The change of plan on that occasion was owing to the exertions of his hon. friend near him (Mr. Grenfell), to whom, therefore, the country was mainly indebted for that saving. If so great a saving had been effected in one instance, the same principle ought to have regulated the whole of the loans, and the terms of each loan would have been raised in proportion to the diminished quantity in the market. The amount of 36 millions had been, since that time, taken from the sinking fund for the public loans, according to the plan of his hon. friend; and the amount of 10 millions of 3 per cent capital, had, thereby, in his (Mr. H.'s) opinion, been saved to the country.

The 35th resolution was a summary of the whole, and clearly proved, that instead of having made any reduction since 1793, by the operation of the sinking fund, 603 millions of capital had been added to the debt, and upwards of 22 millions to the annual interest. A considerable portion of that debt was clearly proved to have been incurred by the sinking fund operations, and it was equally evident that it was founded in fallacy, and had been maintained by delusion.

The 36th resolution showed that, whether the loss to the public, by the sinking fund was to the extent that he (Mr. H.) had stated, or not, the loss was sufficiently large to call for the immediate abolition of that fund.

The 37th and 38th resolutions show in prospective, the comparative effects of a surplus fund of five millions annually for 10 years, whether employed as a sinking fund, or to cancel, from year to year, part of the debt. He had prepared these calculations to point out the relative advantages and disadvantages of each plan, as the honourable member for Corfe Castle (Mr. Bankes) had intimated his intention of pressing on the House the continuance of the ruinous plan of a sinking fund to that amount. Mr. Pitt in 1786, said, that the want of care to prevent the sinking fund from being broken in upon, had been the bane of this country, and that hitherto it had been in vain to attempt to prevent it by acts of parliament. "The minister," he said, "when it suited his convenience has uniformly gotten hold of this sum, which ought to have been regarded as most sacred." Mr. Pitt then stated, that no minister could afterwards break in upon a system so beneficial to the credit and finances of the country. His words were, "A minister could not henceforth have the confidence to come to this House, and desire the repeal of so beneficial a law, which tended so directly to relieve the burthens of the people." How much Mr. Pitt was mistaken, the present chancellor could tell, as he and his predecessors had, notwithstanding the provisions made to prevent them, so effectually broken in upon it, that it ought, he thought, to be denominated a system for increasing, instead of reducing the public debt.

Having thus explained his several resolutions, he would now shortly notice some of the arguments advanced for and against the sinking fund. The right hon. gentleman talked of public faith; but, of all men in the country, he had the least right to talk of a breach of public faith, having taken away 3 or 400 millions of capital from the sinking fund, and, in effect, made it a nominal fund. With the examples during the past century, of the manner in which sinking-funds had been laid hold of by the ministers of the day; and the more recent glaring example of the breach of public faith, by the right hon. gentleman opposite; it was in vain to hope, that any future chancellor of the exchequer would keep better faith.

The only sound principle of a sinking fund was, a surplus of revenue, and the application of that surplus every year to the cancelling of debt, and the reduction of interest. The best securities for public credit were, a wise direction of the resources of the country, and of the means of acquiring and preserving wealth; an expenditure less than the income; a real and not a nominal sinking fund; a repre-

sentative government, which prevented arbitrary power, and gave a confident assurance, that nothing so monstrous as an interference with the rights of the public creditor, would ever be entertained, and far less attempted; a House of Commons which controlled the minister, and obliged him to reduce all unnecessary expenditure, so as to keep a full Treasury ready to answer all just demands upon it, these were the best supporters of public credit the stock-holder could have.

The advocates of the sinking fund assert, that it has given confidence to the public creditor, and, that it would be a dangerous innovation, and an injury to the public to abolish it now. Those who make this assertion, must apply it only to an efficient sinking fund, from surplus revenue; but as it had been shown most clearly, that there was no real sinking fund for 24 years, it was evident, that little confidence could have been produced by a nominal or sham fund. The price of stocks, equally as every other article, depend upon the demand and supply. It was not the contractor who ultimately held the loans, he was only the wholesale dealer, it was the surplus capital of productive industry that was permanently invested in the stock, and a sham sinking fund could not, therefore, affect the holders of such capital.

Some assert that a sinking fund provides a regular customer for the stock, and keeps its price steady and high; but the loans to supply that sinking fund, create also that stock, and thus render the whole a superfluous transaction. He (Mr. H.) asserted, that every loan larger than the actual surplus capital of the country can permanently hold, tended rather to lower than to raise prices; and, by increasing purchases and speculation amongst contractors and jobbers, actually subjected the market to more and greater variations than would have occurred with smaller loans. It was asserted, that, if there had not been a sinking fund, the debt would have been greater than it now is; he (Mr. H.) hoped, the facts stated in the resolutions had sufficiently exposed that fallacy, by showing the enormous loss the sinking fund had occasioned. What then, he might be asked, would you allow the debt to remain as it is, which you must do, if you have no sinking fund? No: but he would reduce it by other and better means, which he proposed hereafter to submit to the House. It was alleged, that it would be unjust to the fundholder to take away the sinking fund. But all that the public creditors had a right to expect, was the punctual payment of their dividend; and, it was evident, that the system hitherto pursued, had been productive of constant loss to the public, and consequently rendered the Treasury less able to answer the demands of the fundholder upon it. Some stress had been laid on the advantage to the country, by reducing the interest of the 5 and 4 to 3 per cents, and that this could not be done without the sinking fund; but, if the statement of the immense losses, alleged by him to have been produced by that fund, were correct, he contended, that these results had been delayed, rather than promoted by the sinking fund.

Some considered the sinking fund as a means of taxation, and, under some circumstances it might be so; but, if the taxes required to support that fund were paid more from capital than from profits, as they were at the present time, by several classes of the community, it became an engine of great mischief, and ought not to be continued.

It was the original intention, and at this time the professed object that the sinking fund, accumulate to a given sum, which should then be applied to pay off debts: but he would assert, that there was no security whatever, that the minister of the day would not, on any temporary exigency, lay his rapacious hands upon the accumulated fund, as all former chancellors had done, and as the present chancellor of the exchequer had so lately done, and leave the country as much in debt as ever, after years of privation by taxes, to raise this professedly inviolate fund.

If there were no other objection to the sinking fund but this one, he should consider it a sufficient one for its abolition.

He would observe, what was not perhaps generally known, that previous to the year 1817, the public were not called upon to pay, by taxation, any part of the interest of the debt contracted during the war; as it had been the practice of ministers, when a loan was raised in one year, to borrow, in the succeeding one, an additional sum to pay the interest of that loan: and, in that manner, they continued, year after year, borrowing to pay the interest of all preceding loans. The burthen of the debt was thereby not felt,

until loans ceased in 1817; and then its pressure became so heavy, when we expected to have been relieved.

It had been long foreseen by every reflecting man, that the day of reckoning must arrive—it had come, and brought with it severe distress to many classes of the community, and to none more than to the agriculturists, many of whom he could not much compassionate as they had almost uniformly supported the misrule and extravagance which had so long been carried on, and in which they could see no evil whilst it made no inroads on their personal enjoyments. They were the life and fortune men to support ministers and their measures, regardless of the sufferings of the people, and of repeated warnings of the impending evils from this side of the House.

They began now, too late he feared, to perceive, that in so doing, they had bartered permanent prosperity for temporary advantage, and had, in fact, been voting away their own estates.

He had to apologize to the House, for trespassing so long upon their attention, but the ruinous consequences which had been produced by the erroneous system of finance so long carried on, had impressed his mind so strongly with the absolute necessity of an immediate change, that he could not, consistent with his sense of duty to the public, refrain from stating what he had done.

He was fearful he had not made himself perfectly intelligible on all the branches of this intricate subject, but, he could assure the House, he had not spared any labour, to do so.—The hon. gentleman concluded with moving the following.

RESOLUTIONS relative to the National Debt, and the Operations of the Sinking Fund.

1. "That the National Debt of Great Britain, unredeemed on the 5th Jan. 1793, was 239,350,148*l.*; consisting of 227,989,148*l.*[1] of funded, and of 11,361,000*l.* of Exchequer Bills,[2] at an annual charge of 9,203,974*l.*[3]

[1] Parliamentary Paper, No. 35, of 1819; page 3—page 9.

[2] *Vide* Vol. 12, Finance Reports, folio edition, page 1.

Interest in perpetuity on Funded Debt	7,831,837	6	2
Terminable Annuities (various) £.704,740, terminable in 1860	1,373,751	2	6
Charges of Management	120,277	15	7
Making a Total of	£.9,325,866	4	3
Interest on Unfunded Exchequer Bills, Appendix 7, of No. 35	297,445	16	1
	9,623,312	0	4
Deduct Redeemed and expired Annuities, as per col. 5, of Parliamentary Paper, No. 35, of 1819, page 3	419,338	0	0
Net Charge for the year 1793	£.9,203,974	0	4

[3] The Funded and Unfunded Debt of Ireland, at that time, was £.2,252,677, at an Annual charge of £.130,920 for interest, as appears by Parliamentary Paper, No. 35, of 1819, but that amount is not included in this Resolution.

2. "That from the 1st Feb. 1793 to the 5th Jan. 1817, including 600,000*l.* for the service of Portugal, 6,220,000*l.* for the service of Austria, and 69,250,000*l.** for the service of Ireland, and guaranteed by England (and exclusive of 2,500,000*l.* for the service of the East India Company in 1812), there has been raised by Loans and the funding of Navy, Victualling, Transport, and Exchequer Bills in Great Britain, the sum of 584,874,557*l.*;[1] and that during the same period, there has been an increase in the issue of Exchequer Bills unfunded, and outstanding on the 5th Jan. 1817, to the amount of 33,289,300*l.*;[2] making a total sum raised in the 24 years of no

* *Vide* page 8, No. 145, of 1822	64,750,000
In 1811 raised for Ireland, but not charged	4,500,000
	£.69,250,000

[1] Sum funded as per col. 1, of Parliamentary Paper 145, of 1822	584,874,557
Excess of Exchequer Bills	33,289,300
Total Sum raised	£.618,163,857

[2] *Vide* Parliamentary Paper, No. 35, of 1819, page 9;

Amount of Exchequer Bills, on 5th Jan. 1817	44,650,300
Do. Do. Do. 5th Jan. 1793	11,361,000
Excess of Exchequer Bills, issued and Outstanding on the 5th Jan. 1817	£.33,289,300

less than 618,163,857*l.* funded and unfunded, independently of advances made by the Bank, and remaining unsettled on the 5th Jan. 1817.

3. "That there was paid into the Treasury, on account of the 584,874,557*l.*, as stated in the preceding resolution, the sum of 484,359,480*l.*;[1] in money; that the Bills funded amounted to 86,183,176*l.*; that the Loan of 4,600,000*l.*, raised for the service of Austria in 1795, is stated not to have been directed to be paid into the Exchequer; and that the Bank of England retained out of the subscriptions to the Loans of 14,500,000*l.*, and 1,620,000*l.* in 1797, the sum of 4,648,731*l.* 16*s* 3*d.* making the total sum of money received and accounted for, on account of the 584,874,557*l.* to amount to 579,791,388*l.*;[2] leaving a deficit of 5,083,169*l.* retained for discount on prompt payment, and for expenses of receiving at the Bank.

[1] *Vide* col. 2, of No. 145, Parliamentary Paper, of 1822.

Cash paid to the Treasury		487,646,178
From which deduct debentures, 1813..................................	£.786,698	
———— Loan of E. I. C. 1812	2,500,000	
		3,286,698
Amount for Public....................................		484,359,480
Add Amount		
Bills funded (vide col. 1)		86,183,176
Austrian Loan of 1795 not paid into the Exchequer................................		4,600,000
Retained by the Bank, 1797, part of Loans of £.14,500,000, and £.1,620,000		4,648,732
		579,791,388
Amount retained for Discount, &c.		5,083,169
		£.584,874,557

* *Vide* page 144 of Vol. 13 of Com. Reports, folio edition.

[2] *Vide* col. 2, of No. 145, of 1822.

4. "That for the sum of 579,791,388*l.*, of money received and accounted for, as stated in the preceding resolution, from the 1st Feb. 1793 to the 5th Jan. 1817, there has been created Capital in Stocks of various denominations, to the amount of 879,289,943*l.*,[1] at an annual charge for interest in perpetuity to the amount of 29,289,668*l.*; and of 230,000*l.* of Annuities from May 1795 to May 1819; and of 654,695*l.* Annuities from various dates, all terminable in 1860, making a total annual charge for Interest and Annuities of 30,174,363*l.*[2] (exclusive of about 160,000*l.* per annum for management) which sum of 30,174,363*l.*, equal to 30,040,445*l.*[3] in perpetuity, converted into a 3 per cent Capital, is equal to 1,001,348,166*l.*, being at the rate of 172*l.* 14*s.* of 3 per cent Capital for every 100*l.* of the 579,791,388*l.* money received, or 100*l.* 3 per cent Capital, for every 57*l.* 18*s.* in money.

[1] *Vide* col. 3 of 145; viz.

....	£.708,750,353	of 3 per cents.
	49,982,119	of 4 per cents.
	120,557,471	of 5 per cents.
Various Capitals	£.879,289,943	...... Total.

[2]

Interest, as per col. 5	29,289,668
Annuities for 25 years, as per col. 6	230,000
Do. terminable in 1860, Do.	654,695
Total Annual charge, as per col. 7	£.30,174,363

[3]

Various Capitals £.879,289,943 at a charge in perpetuity of	29,289,668
Annuities terminable in 1860, £.654,695, equal to	617,377
Do. for 25 years, equal to charge in perpetuity	133,400
Total of charge in perpetuity	£.30,040,445

equal to £.1,001,348,166 of 3 per cent capital, calculated at the Annuity Value.

[4] Equal to £.5 3 7½ per cent interest.

5. "That, if the conversion of the 4 and 5 per cent Capitals is made at the average relative prices they bore to 3 per cents, at the time they were funded, the total amount in 3 per cent Capital will be 975,784,592*l.* instead of 1,001,348,166*l.*; as stated in the preceding resolution. The 49,982,119*l.* of 4 per cents, were funded at an average of 100*l.* Capital for 82*l.* money,

the relative current value of the 3 per cents being 67*l* which gives of 3 per cent	£. 61,172,133
The 120,557,471*l*. of 5 per cents were funded at an average of 100*l* Capital for 80*l* money, the relative current value of the 3 per cents being 60*l*, which gives of 3 per cents	180,836,206
The amount of 3 per cents funded	708,750,353
The 884,695*l*. of terminable Annuities, reduced into a perpetual Annuity of 750,777*l*.,* equal to 3 per cent Capital	25,025,900
Total 3 per cent Capital	£ 975,784,592
Making a difference of	£. 25,563,571

of 3 per cent Capital, which is an equivalent for paying a higher rate of interest on the 4 and 5 per cents, than in the 3 per cents; and there has been paid on the total amount of the 4 and 5 per cents funded, an annual sum increasing to 766,907*l*. per annum on the 5th Jan 1816, which in 14 years, at 5 per cent, is equivalent to the difference of Capital created in funding in the 4 and 5 per cents, instead of in the 3 per cents.

* In 1808, the 3 per cents £.67, the 4 per cents £ 82.
* *Vide* 4th Resolution.

6 "That, during the 24 years from the 1st Feb. 1793 to the 5th Jan. 1817, in which the 579,791,388*l*, as stated in the 3rd Resolution, was received and accounted for, there was paid to the Commissioners of the Sinking Fund in money, the sum of 188,522,340*l*,[1] and the expense of the office of the said Commissioners during the same period, was 62,698*l*,[2] making the amount paid to the said Commissioners, 188,585,038*l*.,[3] in money, by raising of which, an annual charge in perpetuity of 9,771,063*l*,[4] was created, equal to 325,702,116*l*,[5] of 3 per cent capital.

[1] *Vide* col 8, of No 145, of 1822. [2] *Vide* Parliamentary Paper, No. 39, of 1821.

[3] Cash paid to Commissioners		188,522,340
	Expense of Office	62,698
	Total Cash	£ 188,585,038

	£.		£.		£.		£.
[4] If	579,791,388	:	30,040,445	: :	188,585,038	:	9,771,063
[5] If	579,791,388	:	1,001,348,166	: :	188,585,038	:	325,702,116

7 "That with the 188,585,038*l*, as stated in the preceding Resolution, the said commissioners have purchased capitals of various denominations, to the amount of 302,911,955*l*.,[1] the annual dividends on which are 9,168,233*l*.,[2] which sum, converted into a 3 per cent capital, is equal to 305,607,766*l*, being at the rate of 162*l*. 1*s*. of 3 per cent capital for every 100*l* of the 188,585,038*l*. money paid to the said Commissioners, or 100*l*. of 3 per cent capital, for every 61*l*. 14*s*[3] in money.

[1] *Vide* col 9 of No. 145, of 1822. [2] *Vide* col. 11, of 1822. [3] Equal to £.4 17 2¾ per cent Interest.

8 "That the amount of annual charge created in perpetuity, by raising the 188,585,038*l* money, was 9,771,063*l*., whilst the annual charge redeemed by the Commissioners of the Sinking Fund with that amount, was only 9,168,233*l*., being 602,830*l*[1] of annual charge in perpetuity less redeemed than created, equal to 20,094,333*l*.,[2] of 3 per cent capital; showing that the debt was created between 1793 and 1817, at the rate of 172*l*. 14*s*. of 3 per cent capital for every 100*l*. in cash; and that the amount redeemed in the same time, was at the rate of 162*l* 1*s* of 3 per cent capital for every 100*l*. cash, being a loss of 10*l*. 13*s*. of 3 per cent capital on every 100*l*. of money expended by the Commissioners.

[1] Charge in perpetuity incurred		9,771,063
Do. redeemed		9,168,233
	Less redeemed than created	£ 602,830

[2] Money £.100 : 3 per cent Stock £.10 13 : : Money £.188,585,038 : 3 per cent Stock £ 20,094,333

9. "That, independent of the operations of the Commissioners of the Sinking Fund, the following Reductions of the National Debt and Annual Charge have taken place between the 5th Jan. 1793, and the 5th Jan. 1817; viz. that 25,290,994*l*.[1] of 3 per cent capitals have been

[1] *Vide* Annual Finance Accounts, 5th Jan. 1815, page 224 and 5.
Up to that date the Stock for land tax redeemed stood in the names of the Commissioners, but from that time it has been cancelled annually; viz,
1st Feb. 1815 .... £.24,960,313 10 7 at Interest £.758,809 8 1

cancelled, by the proceeds of the sale of land tax, the annual dividends on which amount to 758,729*l.* 16*s.* 6*d.*; and that 2,363,420*l.*[2] of 5 per cent capital was paid off with money charged in the Finance Accounts in the Public Expenditure, under the head of Miscellaneous Services, the dividends on which amounted to 118,171*l.*; and that 3,449,955*l.*[3] of 3 per cent Capitals were cancelled under the Act of 48 Geo. 3, c. 142 (by conversion into 225,254*l.* Life Annuities), the dividend on which amounted to 103,498*l.* 13*s.*; and that 539,244*l.*[4] of various capitals remained unclaimed for 10 years and upwards, prior to the 5th Jan. 1817, the dividend on which amounted to 17,235*l.* and that 523,493*l.* 19*s.* 5*d.*[5] of Life and other terminable Annuities created prior to the 5th Jan. 1793 had fallen in, expired or remained unclaimed for 3 years and upwards, at the 5th Jan. 1817, making, with the charges of management (on the capitals cancelled). of 17,237*l.*; a total diminution in the annual charge under these several heads of 1,538,365*l.*;[6] but as 225,254*l.* of Life Annuities were created by the extinction of the 3,449,995*l.* of 3 per cent Capitals under the Act of the 48 Geo. 3, c. 142, the actual diminution of annual charge for the year 1817 would have been 1,313,111*l.*,[7] if there had been no Sinking Fund.

1st Feb. 1816, 3 per cents	194,743	8	8	Do.	5,842	6	0
1st Feb. 1817, 3 per cents	135,937	4	11	Do.	1,078	2	[illegible]
Totals	£.25,290,994	4	2	Do.	£.758,729	16	1
5 per cents, of 1797, paid off	2,363,420	0	0	Do.	118,171	0	0
[2] *Vide* Parliamentary Papers, No. 162, of 1822.							
[3] 3 per cents Capitals, cancelled for Annuities, by 48 Geo. 3, c. 142	3,449,955	0	0	Do.	103,498	13	0
Vide Finance Accounts, 1817.							
[4] Unclaimed Dividends on 5th Jan. 1817, Finance Accounts	539,244	0	0	Do.	17,235	0	0
[5] Annuities expired and unclaimed, up to 5th Jan. 1817 - - - - - -	- - - - -			Do.	523,493	19	5*
Charges of Management, at £.562 10 per million on Capitals cancelled as below - - - - -	-			Do.	17,237	0	0
[6] Total Capitals cancelled	£.31,643,613	4	2		*£.1,538,365	9	0
Deduct Amount of Annuities, created by 48 Geo. 3, up to 5th Jan. 1817					225,254	0	0
[7] Total Diminution of Annual Charge on 5th Jan. 1817					£.1,313,111	9	0
* Unclaimed Exchequer Annuities, page 225 of Finance Accounts, 5th Jan. 1817...					28,838	7	0
Expired on 5th April, 1803, and to 5th Jan. 1808, page 229					494,655	12	5
Total........................					£.[illegible]	19	5

10. "That the total Revenue of Great Britain in the 24 years between the 5th Jan. 1793, and the 5th Jan. 1817, from taxes alone, including the small branches of Hereditary Revenue, and incidental resources, amounted to the sum of 1,114,318,563*l.*[1] sterling.

[1] *Vide* Commons Reports of 1797, vol. 12, folio edition, for 1793, 4, 5, and 6.
Vide vol. 13, page 2, for 1797.
Vide Accounts in the Journal Office, for 1798 and 9.
Vide Annual Finance Accounts for 1800 to 1817.

11. "That the total Expenditure of Great Britain, for the same period, viz. from the 5th Jan. 1793 to the 5th Jan. 1817, for interest on the debt as it stood on the 5th Jan. 1793 (but excluding all charge for Loans since 1793), and for expenses of Civil Government, for the Navy, Ordnance, Army (ordinary and Extraordinary), Miscellaneous Services and Charges of Management, and including 58,164,716*l.*[1] for subsidies to Foreign Powers, amounted together to the sum of 1,240,480,963*l.* But as the sum of 3,711,786*l.*[2] is charged in the Miscellaneous Expen-

[1] *Vide* Parliamentary Paper, No. 412, of 1815, the specific Accounts for 1793 to 1796, therefore assumed equal to Taxes and Loans for that period.
For 1797, 8, and 9, as in 10th Resolution.
Vide Annual Finance Accounts, from 1800.
[2] *Vide* Parliamentary Paper, No. 293, of 1822.
In this Sum is included,

Paid to the Bank for discount on Loans	3,335,512
Do. for receiving Loans—*Vide* Parliamentary Paper, No. 298, of 1818 ...	397,086
	£.3,732,598
Principal of Debentures paid off by 53 Geo. 3, c. 41 and 53, in 1815 and 1816.	786,698
	£.4,519,296

diture, although short credited by the Treasury in the receipt of the loans; and 736,698*l*, the principal of debentures received in 1813, is not credited in the amount of income in the 10th Resolution, it makes the actual Expenditure only 1,235,982,479*l*.

12. "That, as the Revenue of Great Britain, was 1,114,318,563*l* as stated in the 10th Resolution, and the expenditure 1,235,982,479*l*., as stated in the 11th Resolution, the excess of Expenditure in that period was 121,663,916*l*.[1]

[1] Expenditure	1,235,982,479	—11th Resolution.
Revenue	1,114,318,563	—10th Resolution.
Excess of Expenditure	£.121,663,916	

13. "That, in addition to the Expenditure of 1,235,982,479*l*. for Great Britain, as per 11th Resolution, there was remitted from England to Ireland, between the 5th Jan. 1797 and the 5th Jan. 1817, the sum of 68,930,595*l*., making the total Expenditure for Great Britain, 1,304,913,074;[1] and that in addition to the Revenue of Great Britain, of 1,114,318,563*l*., as stated in the 10th Resolution, there was received from Ireland the sum of 52,245,471*l*., making (exclusive of Loans) the total income of Great Britain, 1,166,564,034*l*., and by the addition of 16,685,124*l*.,[2] being the difference between the sums remitted to and from Ireland, makes a total excess of Expenditure over Income of 138,349,040*l*.

[1] *Vide* Annual Finance Accounts.

Expenditure	£.1,235,982,479	
Remitted to Ireland for Loans and Allowances	68,930,595	
		= 1,304,913,074
Revenue of Great Britain	1,114,318,563	
Received from Ireland	52,245,471	
		= 1,166,564,034
Excess of Expenditure		£.138,349,040

[2] Remitted from England to Ireland.—*Vide* Annual Finance Accounts	68,930,595
Remitted from Ireland to England	52,245,471
	£.16,685,124

14. "That as the reduction of 1,313,111*l*. of Annual Charge, as stated in the 9th Resolution, was effected without any aid of the Sinking Fund, the same reduction might have taken place from the Annual Charge of 9,203,974*l*.[1] as it stood on the 5th Jan. 1793; and that, had the 138,349,040*l*, the excess of expenditure in these 24 years, as stated in the 13th Resolution, been raised by taxes within these years, instead of by loans, the total amount of Capital of Debt unredeemed on the 5th Jan. 1817, would have been only 207,706,535*l*.,[2] and the Annual Charge, including Management, only 7,890,863*l*., instead of being 817,415,237*l*.[3] of Capital, and 30,628,234*l*. of Annual Charge, as it stood on the 5th Jan. 1817.

[1] Annual Charge, 5th Jan. 1793	9,203,974	—*Vide* 1st Resolution.
Reduction as per 9th Resolution, up to 5th Jan. 1817	1,313,111	
Charge as it would have been in 1817, if no Loans had been raised	£.7,890,863	

[2] Capital, Funded and Unfunded, 1793	239,350,148	
Capitals cancelled up to 1817	31,643,613	—*Vide* 9th Resolution.
Capital as it would have been	£.207,706,535	

[3] *Vide* Finance Accounts, pp. 224 and 5, ending 5th Jan. 1817:

Capitals various	772,764,937	at an Annual charge of	26,650,959	4	5	£.28,812,307 —*Vide* note to 25th Resolut.
Terminable Annuities of various denominations	-	-	1,657,904	6	10	
Life do. 48 Geo. 3, c. 142	-	-	225,254	13	0	
Charges of Management to the Bank	-	-	278,189	2	3	
Unfunded Debt	44,650,300	charge	1,815,926	17	8	
Total Capital	£.817,415,237	at an Annual charge of	£.30,628,234	4	2	

15. "That it appears by the preceding Resolutions, that, in consequence of not raising the Supplies within the year, by taxes, to the amount of 138,349,040*l*. in the 24 years, being an

average of 5,764,543*l.* per annum, a debt of 609,708,702*l.*[1] of Capital has been incurred, at an increased Annual Charge of 22,737,371,[2] thereby occasioning taxation to the extent of upwards of 58 millions per annum, whilst from the 5th Jan. 1817, about 33 millions only would have sufficed.

[1] Capital of Debt as it stood on 5th Jan. 1817, Funded and Unfunded	817,415,237	at charge of	30,628,234	4	3
Do, as it would have been, as per 14th Resolution	207,706,535	Do.	7,890,863	0	0
	£.609,708,702	charge	£.22,737,371	4	3

Increase of Charge by Loans, since 1793, to pay the actual excess of Expenditure of 138 millions.

16. "That, by the union of the Exchequer of Ireland with that of Great Britain, on the 5th Jan. 1817, a farther Annual Charge of 1,323,775*l.* 15*s.* 4*d.* was added to the annual charge of Great Britain, then amounting to 30,628,234*l.*[1] (as stated in the 14th Resolution), by the incorporation of 28,739,869*l.*[2] of capital funded and unfunded, created in Ireland, making the total amount of Debt, funded and unfunded, of the United Kingdom, on the 6th Jan. 1817, to amount to 846,155,106*l.*,[3] and the Annual Charge to 31,952,009*l.*

[1] Charge on the Debt of Great Britain	30,628,234	as per 14th Resolution.
Do. Ireland	1,323,775	
Total Charge of United Kingdom on 5th Jan. 1817 ...	£.31,952,009	Sterling.
Proportion of Charge on Unfunded	2,081,157	
Do. Funded	£.29,870,852	

[2] *Vide* Parliamentary Paper, No. 35, of 1819:

Funded Debt, unredeemed, Ireland, in British Currency, on 5th Jan. 1817......	23,435,254	5	3	at an Annual charge of	1,058,545
Unfunded	5,304,615	0	0	at a charge of -	265,230
Funded and Unfunded	£.28,739,869	5	3	at an Annual charge of	£.1,323,775

By Irish Finance Accounts on 5th Jan. 1817, page 94.

The Total Capital of Irish Debt is stated at	34,047,870	15	5
Redeemed	8,812,662	12	7
Unredeemed Capital in Irish Currency	£.25,235,208	2	10
Equivalent in British Currency	23,293,992	0	0

[3] Capital of Great Britain, on 5th Jan. 1817, Funded and Unfunded	817,415,237	—14th Resolution.
Do. of Ireland, Funded and Unfunded	28,739,869	—
Total of the United Kingdom	£.846,155,106	

* *Vide* Annual Finance Accounts, 1817 to 1821, both inclusive.

17. "That, from the 5th Jan. 1817 to the 5th Jan. 1822, there was raised, by taxes, in the United Kingdom of Great Britain and Ireland, the sum of 296,454,538*l.*;[1] and the Expenditure (Sinking Fund included), during the same period, for Civil list, pensions, and other charges on the Consolidated fund, and for expenses of the Navy, Ordnance, Army (Ordinary and Extraordinary) Miscellaneous services, and charges of Collection, and for interest and management of Debt, as stated in the preceding resolution, amounted (including 2,155,468*l.*[2] paid for Russian loan and to Holland), to 288,925,669*l.*,[3] leaving an Excess of income over expenditure, in the 5 years, of 7,528,869*l.* 14*s.*

	[1] Total Gross Income of the United Kingdom (Drawbacks excepted).	[3] Expenditure of the United Kingdom.
1817	£.57,650,589	£.58,544,049
1818	59,667,941	57,872,428
1819	58,680,252	57,392,544
1820	59,769,680	57,476,755
1821	60,686,076	57,639,893
Income	£.296,454,538	Expenditure £.288,925,669
Expenditure	288,925,669	
	7,528,869	Excess of Income in 5 years.

[2] *Vide* Parliamentary Paper, No. 295, of 1820.

18. "That, notwithstanding the Excess of Income of 7,528,869*l.* as stated in the preceding resolution, a further funding of 90,761,920*l.*,[1] has taken place, for which an additional Capital of debt has been created between the 5th Jan. 1817 and the 5th Jan. 1822, of 116,600,235*l.*,[2] at an annual Interest in perpetuity of 3,773,354*l.*,[3] and that the said Capital of 116,600,235*l.*, has been created by 19,999,920*l.*, raised by Loans in money, by 34,262,000*l.* Exchequer Bills issued, and afterwards funded; and by 36,500,000*l.* borrowed from the Commissioners of the Sinking Fund; and that for the 19,999,920*l.* raised by Loans, the sum of 19,814,944*l.*[4] was paid into the Treasury, leaving a deficit of 184,976*l.*, retained by the Bank for discount on prompt payment, and for receiving the same; and that there is also charged 14,109*l.*, under the head of Miscellaneous Services, in the Finance Accounts of 1819, as paid to the Bank of England for transferring 27 millions of 3 per cents to 3½ per cents; making the nett amount of Money received and accounted for to be only 90,562,835*l.*, creating an annual charge for interest in perpetuity of 3,773,354*l.*, which sum converted into a 3 per cent Capital, is equal to 125,778,466*l.* or 138*l.* 17*s.* of 3 per cent Capital for every 100*l.* of money, or 100*l.* of 3 per cent Capital for every 72*l.* of money.

[1] *Vide* col. 1, of 145, of 1822.

By Loans in money		19,999,920
By Exchequer Bills		34,262,000
By Commissioners of Sinking Fund		36,500,000
		£.90,761,920
Deficit retained by the Bank	£.184,976	
For Transfer	14,109	
	=	199,085
Nett Amount of Cash		= £.90,562,835

[2] *Vide* col. 3, of Parliamentary Paper, No. 145, of 1822.

[3] *Vide* col. 5, of — Do.

[4] 1818, for transfer of 27 Millions, 3 per cents to

3½ per cents	£.2,999,920	Cash	£.2,971,819	19	4
1819 Capital	12,000,000		11,862,340	7	6
1820	5,000,000		4,980,783	15	1
	£.19,999,920	Received	£.19,814,944	1	11
		Short credit	184,976	0	0
		Nett	£.19,999,920		

19. "That, during the period of 5 years, from 5th Jan. 1817 to 5th Jan. 1822, in which 3,773,354*l.* New Annuities, were created for 90,562,835*l.* money, there has been paid to the Commissioners of the Sinking Fund, the sum of 82,021,555*l.*;[1] and the expense of their office, during the same period, was 32,203*l.* 2*s.* 2*d.*[2] making the total amount of 82,053,758*l.*; with which the said Commissioners have purchased 110,489,252*l.*[3] of various stock, the dividends on which amount to 3,338,857*l.*;[4] which sum, converted into a 3 per cent capital, is equal to 111,295,232*l.* or 135*l.* 13*s.* of 3 per cent capital for every 100*l.* of money, or 100*l.* of 3 per cent capital for every 73*l.* 14*s.* 6*d.* of money paid to the said Commissioners."

[1] *Vide* col. No. 8, of 145, of 1822.

Paid to the Commissioners of Sinking Fund	82,021,555
Expense of Office	32,203
Total of money paid to them	£.82,053,758

[2] In 1817	4,853	17	11	
1818	6,899	12	10	
1819	7,940	4	8	
1820	7,108	6	9½	
1821	6,601	0	0	
	£.32,203	2	2½	— *Vide* No. 39, of 1821.
	62,698	0	0	From 1793 to 1816.
Expense of	£.94,901	2	2½	in 29 years.

[3] *Vide* col. 9, No. 145.

[4] *Vide* col. 11, No. 145.

20. "That, in borrowing the sum of 82,053,758*l.* paid to the Commissioners of the Sinking Fund, there were created, and added to the debt, capitals equal to 113,960,608*l.*[1] of 3 per cent, at an annual charge in perpetuity of 3,418,818*l.*,[2] whilst the Commissioners redeemed, during the same period, with that sum, dividends or Annuities in perpetuity, to the amount of only 3,338,857*l.*;[3] equal to 111,295,232*l.* of 3 per cent capital; occasioning thus, by the operations of the Sinking Fund, a loss of 79,961*l.*[4] of perpetual Annuity, equal to 2,665,376*l.* of 3 per cent capital, showing that the debt created, between the 5th Jan. 1817 and the 5th Jan. 1822, was at the rate of 138*l.* 17*s.* of 3 per cent capital for every 100*l.* of money; and that the amount redeemed in the same period was at the rate of 135*l.* 13*s.* of 3 per cent capital for every 100*l.* of money, being a loss of 3*l.* 4*s.* of 3 per cent capital on every 100*l.* of money expended by the Commissioners.

	Money.		3 per cents.		Money.		3 per cents.
1 If	£.90,562,835	:	£.125,778,466	: :	£ 82,053,758	:	£.113,960,608
	But £.82,053,758 has redeemed only						111,295,232

Occasioning a Loss of 3 per cents Capital = £.2,665,376
and a Dividend of £.79,961.

	Money.		Dividend.		Money.		Dividend.
2 If	£.90,562,835	:	£.3,773,354	: :	£.82,053,758	:	£.3,418,818

3 *Vide* col. 11.

Dividend on borrowing	3,418,818
4 Do. redeeming	3,338,857
Difference in Dividend	£.79,961

21. "That the total sum funded in Great Britain in the 29 years from the 5th Jan. 1793 to the 5th Jan. 1822, amounted to 675,636,477;[1] that the total sum received in money, and accounted for, was 670,354,223*l.*,[2] at an annual aggregate charge of 33,813,799*l.*;[3] viz. of 33,063,022*l.*, for interest in perpetuity; for 884,696*l.* of terminable Annuities, converted into 750,777*l.* of perpetual Annuities; the 230,000*l.* on the same terms as perpetual annuities were created in 1795; and 654,696*l.* at 18.86 years purchase, and the whole into a 3 per cent capital, equal to 1,127,126,633*l.*, being at the rate of 168*l.* 1*s.* of 3 per cent capital for every 100*l.* of money received; or 100*l.* of 3 per cent capital for every 59*l.* 10*s.* of money, equal to 5*l.* 0*s.* 10*d.* per cent interest.

1 *Vide* col. 1, No. 145, of 1822.
2 *Vide* col. 2, No. 145, of 1822.

3 Col. 5	£.33,063,022	perpetuity.
Col. 6	133,400	of Do. for £.230,000 of 25 years.
Col. 6	617,377	of Do. for £.654,695 terminable in 1860.
	£.33,813,799	

Equal to 3 per cent Capital of £.1,127,126,633.

22. "That the total sum paid to the Commissioners of the Sinking Fund, during the said period of 29 years, from the 5th Jan. 1793 to the 5th Jan. 1822, amounted to 270,543,895*l.*,[1] and the expences of their office during the same period were 94,901*l.*,[2] making a total charge in money paid to the said Commissioners, of 270,638,796*l.*,[3] by raising of which an annual charge in perpetuity of 13,651,477*l.*, was created, equal to 455,049,262*l.*,[4] of 3 per cent capital.

1 *Vide* col. 8, of No. 145. Cash paid	270,543,895
2 *Vide* No. 39, of 1822. Expenses of Office	94,901
Total Sum paid to Commissioners S. F.	£.270,638,796[3]

	Money received.		3 per cents.		Money paid to Commis.		3 per cents.
If	£.670,354,222	:	£.1,127,126,633	: :	£.270,638,796[3]	:	£.455,049,262[4]
	£.670,354,222	:	Dividend, £.33,813,799	: :	£.270,638,796	:	Dividend, £.13,651,477

23. "That with the 270,638,796*l.*, as stated in the preceding resolution, the said Commissioners have purchased Capital, of various denominations, to the amount of 413,402,207*l.*,[1] the Annual Dividends on which are 12,507,090*l.*;[2] which sum, converted into a 3 per cent Capital,

1 *Vide* col. 9, of No. 145, 1822.*
2 *Vide* col. 11, of No. 145, 1822.
* Of this Amount the following Sums have been cancelled by Act of 53 Geo. 3, c. 95, and subsequent Acts.

53 Geo. 3, c. 95	1813	153,576,500
	1814	38,944,561

is equal to 416,903,000*l.*, being at the rate of 154*l.* 1*s.* of 3 per cents purchased with every 100*l.* of money paid to the said Commissioners, or 100*l.* of 3 per cent Capital for every 64*l.* 18*s.* of money equal to 4*l.* 12*s.* 5½*d.* per cent interest.

1815	51,271,467	
1820	47,930,611	
1821	21,729,166	
Total	£.313,452,405	3 per cents.
1814	7,796,400	4 per cents.
1813	142,600	5 per cents.
Total	£.321,391,395	

The Dividends on which amount to £.9,722,565; the remainder stand in the names of the Commissioners.

24. "That the amount of annual charge created in perpetuity, in borrowing the 270,638,796*l.*, was 13,651,477*l.*, whilst the annual charge redeemed by the Commissioners of the Sinking Fund with that amount, was 12,507,090*l.*, being 1,144,387*l.*[1] of annual charge in perpetuity, less redeemed than created, equal to 38,146,262*l.* of 3 per cent Capital; showing that the proportion of the debt raised for the Sinking Fund between 1793 and 1822, was created at the rate of 168*l.* 1*s.* of 3 per cent Capital for every 100*l.* money received; and that the amount redeemed in the same time, was at the rate of 154*l.* 1*s.* of 3 per cent Capital for every 100*l.* money paid, being a loss of 14*l.* of 3 per cent Capital, on every 100*l.* money expended by the Commissioners, equal to 0*l.* 8*s.* 4¼*d.* per cent per annum.

In borrowing.	Created 3 per cent Capital.	At an Annual charge of
[1] £.270,638,796	£.455,049,262	£.13,651,477
But has redeemed only	416,903,000	12,507,090
Less redeemed than created	£.38,146,262	£.1,144,387

25. "That, independent of the operations of the Commissioners of the Sinking Fund, a reduction took place, between the 5th Jan. 1817 and 5th Jan. 1822, of 3,583,497*l.*[1] of Capital, and 211,222*l.* of Annual Charge, thereby reducing the Funded Debt of 796,200,101*l.* as it stood on the 5th Jan. 1817, to 792,616,695*l.*,[2] at an annual charge of 29,659,630*l.*; instead of its being 795,312,767*l.*,[3] at an annual charge of 30,015,786*l.*, as it really stood on the 5th Jan. 1822, being 356,156*l.* increase of perpetual charge per annum, more in 1822 than it would have been if the Sinking Fund had been abolished on the 5th Jan. 1817.

[1] Cancelled, and expired in 5 years.

	Capitals.			Annuities.		
£.230,000 Annuities expired in 1819	-	-	-	£.230,000	0	0
For Land Tax, cancelled	£.528,094	16	8	15,842	16	9
3 per cent, per 48, Geo. 3, c. cancelled	2,916,560	0	0	100,143	3	7
Unclaimed Capital	138,842	0	0	4,445	4	0
Exchequer Annuities expired	-	-	-	15,789	1	1
Do. unclaimed for 3 years	-	-	-	30,710	9	6
Totals	£.3,583,496	16	8	£.396,930	14	11
Deduct increase of Charge, payable for Annuities, by 48 Geo. 3, c. 142				185,711	0	0
Actual reduction from the Debt as it stood on 5th January, 1817				£.211,221	14	11

	Capital.	Interest.		
[2] Funded in 1817, in Great Britain, as per 14th Resolution	£.772,764,937	£.28,812,307	6	6
Do. in Ireland, as per 16th Resolution	23,435,254	1,058,545	0	0
United Kingdom	£.796,200,191	£.29,870,852	6	6
Decreased as above	3,583,496	211,222	0	0
Funded Debt, as it would have been on the 5th Jan. 1822	£.792,616,695	£.29,659,630	0	0

[3] *Vide* Finance Accounts, 5th Jan. 1822, pages 178-9.

Interest in perpetuity	£.27,875,841	19	1
Terminable Annuities	1,451,205	13	4
Annuities by 48 Geo. 3	410,964	19	6
Charges of Management	277,773	0	4
Total Charge of Funded Debt of the United Kingdom, as it really stood on 5th January, 1822	£.30,015,785	12	3

26. "That the Unfunded Debt of the United Kingdom, in Exchequer and Treasury Bills, on the 5th Jan. 1817, was 49,954,915*l*.[1] and on the 5th Jan 1822, it was 32,671,731*l*., showing an apparent reduction of 17,283,184*l*;—But, as the excess of Income, in these 5 years, amounted to 7,528,870*l*.,[2] and the deficiency of the Consolidated Fund was, on the 5th Jan. 1822, 8,232,458*l*.[3] amounting together to 15,761,328*l*.[4], it leaves only a reduction of 1,521,856*l*.[5] to meet the increase in the annual charge of the Funded Debt, of 356,153*l*., equal to 11,871,766*l* in 3 per cent Capital.

[1] *Vide* Annual Finance Account:

Unfunded Debt Great Britain, 5th January, 1817	£.44,650,300
Do. Irish	5,304,615
Total	£.49,954,915
Unfunded Debt Great Britain and Ireland, on 5th Jan. 1822 (*vide* page 167, Finance Accounts)	32,671,731
Apparent Decrease of Unfunded Debt, as per Finance Accounts	£.17,283,184

[2] *Vide* 17th Resolution.

[3] *Vide* Parliamentary Paper 23, of 1821; and Finance Account, 5th Jan. 1822:

Deficiency of the Consolidated Fund on 5th Jan. 1822	£.8,842,330
Do. Do. on 5th Jan. 1817	609,872
Deficiency in the 5 years	£.8,232,458

[4] Excess of Income, as per Resolution, No. 17	£.7,528,870
Deficiency of Consolidated Fund as above	8,232,458

[5] Apparent decrease of Unfunded Debt, as note [1] above	£.17,283,184
Accounted for, as per note [4] above	15,761,328
Decrease of Unfunded Debt	£.1,521,856
Against Increase of £.356,153 of Annual charge of Funded, equal to 3 per cent Capital	11,871,766

27. "That on taking a retrospective view of the Operations of the Sinking Fund, from the 5th Jan. 1793 to the 5th Jan. 1817, it is conclusive, that no Reduction of the debt was effected thereby; because, as the expenditure in each year exceeded the income derived from taxes, the money applied by the Commissioners of the Sinking Fund must have been first borrowed; and, as has been shown by the 4th Resolution, that 100*l*. of 3 per cent capital was created for every 57*l* 18*s* of money borrowed, whilst the Commissioners, on an average of that period, paid 61*l*. 14*s* money for every 100*l* of 3 per cent capital redeemed, as will be seen by the 7th Resolution; by which it appears, that the Public paid 5*l*. 3*s*. 7¼*d*. per cent for all the money borrowed in that period, whilst the Commissioners of the Sinking Fund have been receiving only 4*l* 17*s* 2¾*d* making a loss of 6*s*. 4½*d*. per cent on the whole amount expended by them during that period; exclusive of large bonuses, by payments of dividends, and by exemptions from the income tax thereon, before all the instalments on the several loans were paid up.

28 "That as the expenditure for the service of Great Britain, during the 24 years from 5th Jan. 1793 to the 5th Jan. 1816, (including the charge on the debt as it stood on the 5th Jan. 1793) exceeded the income derived from taxes by the sum of only 138,349,040*l*. as stated in the 13th Resolution:, and, as 618,163,857[1] was raised during that period, by loans and by issue of exchequer bills, it is conclusive that, by the system of borrowing that has been pursued, the sum of 479,814,817*l*. has been incurred as a debt during that period, in paying the sum of 138,349,040*l*.[2], in the proportion of 291,229,779[3] for interest, annuities and charges, and 188,585,038[4] paid to the Commissioners of the Sinking Fund.

[1] Funded	584,874,557	— *Vide* 3rd Resolution.
Increase of Unfunded	33,289,300	— Do. 2nd Do.
	£.618,163,857	— *Vide* Note to 2nd Resolution

[3] For Interest, Annuities, and Charges	291,229,779
[4] To Commissioners of Sinking Fund	188,585,038
Amount raised	479,814,817
[2] To cover Excess of Expenditure	138,349,040
Total Sum raised	£.618,163,857

29. "That the system of borrowing, during the said 24 years, created a necessity for borrow-

ing, progressively increasing in proportion to the sum borrowed; and consequently, by having first borrowed the sum of 188,585,038*l.* for the Commisssioners of the Sinking Fund, it has entailed a burthen in perpetuity, considerably exceeding the 602,830*l.* of annual charge incurred by purchasing Stock on worse terms, than those at which it was created during that period; as stated in the 8th Resolution.

30. "That the deduction in the preceding Resolution will be confirmed by ascertaining year by year, what sum would have sufficed to have met all the demands of the state in each year, on precisely the same scale of expense with which it has been supported, had not the system of the nominal Sinking Fund been maintained; by which mode of proof it will be seen that about 360 millions would have sufficed to have been funded, instead of 584,874,557*l.*; as stated in the 2nd Resolution.

31. "That as the 584,874,557*l.* funded from the 5th Jan. 1793 to the 5th Jan. 1817, created an annual charge of 30,174,360*l.*[1], whilst the 188,584,038*l.* paid to the Commissioners of the Sinking Fund redeemed only 9,168,233*l.*[2] of annual charge, the sum of 21,006,130*l.*[3] is left as the annual increase of charge on 396,289,519*l.*[4] applied as stated in the margin; whilst the sum of 360 Millions would have sufficed to have been funded, as stated in the preceding Resolution; and supposing that amount to have been funded at the same rate as the 584,874,557*l.*, instead of 21,006,130*l.*, it would have created an annual charge of only 18,572,673*l.*, being 2,433,310*l.*[5] per annum less, and leaving the annual charge on the funded Debt for the year 1817, at only 27,437,542*l.*, instead of 29,870,852*l.*

[1] *Vide* Resolution 4	£ 30,174,363
[2] *Vide* Resolution 7	9,168,233
	[3] £.21,006,130

[4] Total Funded	£.584,874,557	
Deduct......	188,585,038	paid to Commissioners of Sinking Fund.—*Vide* 6th Resolution.
	£.396,289,519	Balance of Amount Funded.
Add	33,289,300	Bills Unfunded.—*Vide* note to 2nd Resolution.
	£.429,578,819	applied as follows:
Viz.	£.291,229,779	for Interest and Charge on new Debt.
	138,349,040	for excess of Expenditure.—*Vide* 13th Resolution.
	£.429,578,819	Total Increase, on Account of the excess of Expenditure of £.138,349,040 in the 24 years.

[5] £.21,006,130	....	by	£.396,289,519
18,572,820	....	by	360,000,000
£.2,433,310	....		£.36,289,519

32. "That, taking the charge for the Funded Debt as it stood on the 5th Jan. 1817 at 29,870,852*l.*[1], the revenue of the United Kingdom, derived from taxes, from the 5th Jan. 1817 to the 5th of Jan. 1822, actually exceeded every expense of the State (the charge for the Sinking Fund excepted), by the sum of 7,528,870*l.*[2]; but had the annual charge for the Funded Debt been only 27,437,542*l.*, as stated in the preceding Resolution, the excess of Revenue would have considerably exceeded 7,528,870*l.*; and had that excess been applied to the purchase of Stock, at the prices which have prevailed during these five years, and the Stock been cancelled as it was purchased, the total excess of Revenue in the five years would have amounted to about 21 Millions of money, redeeming about 28 Millions of 3 per cent Capital, and thereby diminishing the charge by about 840,000*l.* per annum, and have left the charge for 1822, at only 26,386,320*l.*, instead of 30,015,786*l.* as stated in the 25th Resolution; making an excess of annual charge, of no less than 3,629,466*l.*, in perpetuity, more than it would have been if there had been no Sinking Fund.

[1] *Vide* note to 16th Resolution. [2] *Vide* 17th Resolution.

33. "That, as the price of all commodities is uniformly governed by the demand, if 360 Millions only had been borrowed instead of 584 Millions, it is fair to conclude, that the rate of interest at which the lesser amount might have been obtained, would have been considerably lower; and taking it only at the rate of one half per cent lower, it would have made a difference of 1,800,000*l.*, per annum, which, added to the 2,433,310*l.*; as stated in the 31st Resolution, amounts to 4,233,310*l.* per annum; and if taken at three quarters per cent lower, it would have made a difference of 5,133,310*l.*, equal to 171,110,333 of 3 per cent capital, and consequently have left the annual charge for 1817, at only 24,737,542*l.*, instead of 29,870,852*l.*

34 "That, if the annual charge of the Funded Debt is taken at 24,737,542*l.*,[1] on the 5 Jan. 1817, as stated in the preceding Resolution, the excess of revenue would have been still greater than stated in the 32nd Resolution, and had that excess been applied to the purchase of Stock, at the prices which have prevailed during these 5 years, the total excess of Revenue would have amounted to about 33 Millions of money; redeeming about 42 Millions of 3 per cent capital, and thereby diminishing the charge by about 1,260,000*l*[2] per annum, and leaving the total charge for 1822 at 23,266,320*l.*,[3] instead of 30,015,786*l.*[4] as stated in the 25th Resolution, making an excess of annual charge in 1822 to the amount of 6,749,466*l.*; equal to 224.982,200*l.* of 3 per cent capital.

From		[1]£.24,737,542
Deduct	[2]£.1,260,000	
As per note, 1st, Resolution 25	211,222	
		1,471,222
Leaving Charge for 1822		[3]£.23,266,320
Instead of		[4]30,015,786

35. "That, as the total amount of Debt unredeemed, Funded and Unfunded, on the 5th Jan. 1793, was only 239,350,148*l.*, at an annual charge of 9,203,977*l.*, as stated in the 1st Resolution, from which reductions have taken place between that date and the 5th Jan. 1822, to the amount of 35,227,109*l.* of Capital, and 1,524,333*l.* of annual charge, as stated in the 9th and 25th Resolutions; whereby the Debt on the 5th Jan. 1822, had the 138,349,040*l.* as stated in the 15th Resolution, been raised by Taxes between the 5th Jan. 1793, and the 5th Jan. 1817, would have been only 204,129,039*l.*, at an annual charge of 7,679,641*l.*, as far as regards Great Britain, and adding the 28,739,869*l.* amount of Capital, and 1,323,775*l.* of annual charge thereon incurred by Ireland, previous to the union of the two Exchequers, on the 5th Jan. 1822, and brought into the general account on that date, as stated in the 16th Resolution, the total amount of Debt for the United Kingdom on the 5th Jan. 1817, would have been 232,862,908*l.*, at an annual charge of 9,003,416*l.*, instead of its being 795,312,767*l.* of funded debt, at an annual charge of 30,015,786*l.*, as stated in the 25th Resolution, and of unfunded to the amount of about 41 Millions, as stated in the 26th Resolution, at an annual charge of about 1,300,000*l.*; making the aggregate of Debt, on 5th Jan. 1822, 836,312,767*l*, and the aggregate annual charge 31,315,786*l.*, being an increase of capital of 603,449,859*l.*, and 22,312,370*l.* of annual charge; whereby it is conclusive that notwithstanding 270,543,895*l.* is stated to have been applied towards the Reduction of the National Debt, between the 5th Jan. 1793, and the 5th Jan. 1822, not only has no reduction been effected therein, but on the contrary, it has actually been increased to the amount above stated, of 603,449,859*l.*, at an annual charge of 22,312,370*l*; hereby demonstrating that the Sinking Fund system was founded in fallacy, and has been maintained by delusion.

36. "That, whether the Financial System of the Country be regarded, in reference to the increased burthen of 1,144,387*l.* per annum, occasioned by the Commissioners of the Sinking Fund, in merely purchasing Stock on worse terms than at which it was created, as stated in the 24th Resolution; or in reference to that of 6,749,466*l.*, occasioned by the extension and complication of the accounts, in consequence of the existence of the Sinking Fund system, as stated in the 34th Resolution; or in reference to the increased burthen of 22,312,370*l.* per annum, which has been inflicted on the Public since 1816, and to continue in perpetuity by not having raised about 138 Millions of additional taxes, in the 24 years, from the 5th Jan. 1793 to the 5th Jan. 1817, and which occasioned taxation in 1821, to upwards of 60 Millions, whilst about 33 Millions only would have sufficed, as previously shewn in the 15th Resolution; either case sufficiently shews that the Financial System of the Country is founded on erroneous principles, portending consequences as ruinous and fatal, as the Sinking Fund system is demonstrated to be fallacious and delusive.

37. "That, on taking a prospective view of the result of a Sinking Fund; if five Millions per annum are applied for 10 years, in the purchase of Stock, at the rate of 81*l.* money for every 100*l.* of 3 per cent capital, cancelling the stock as it is purchased, it will afford an annual remission of taxation to the amount of 185,185*l.*, and it will redeem in ten years, 61,728,320*l.* of 3 per cent capital (as stated in Parliamentary Paper No. 151 of 1822), the dividends on which will be 1,851,851*l.*, affording an aggregate remission of taxation annually to that amount, at the expiration of 10 years, effected at the aggregate expense of 41,666,666*l.* of taxes; but, if 5 Millions per annum are employed as a Sinking Fund for 10 years, in the purchase of Stock at the rate of 81*l.* money for every 100*l.* of 3 per cent capital, with the dividends accruing thereon, the aggregate sums will purchase in that time 73,101,437*l.* of 3 per cents (as stated in the Parliamentary Paper before referred to), the dividends on which will be 2,193,043*l.*, affording at the expiration of that time a remission of taxation to that amount, but no relief whatever in the interval of the 10 years, effected at the aggregate expense of 50,000,000*l.* of taxes."

38. "That by the preceding Resolution, it is seen, that under the operation of a Sinking Fund of 5 Millions per annum, at Compound Interest, no relief whatever from taxation will be afforded to the Country for 10 years, and without any guarantee that the exaction of so great an

amount of taxes may not, under the present difficulties of the Country, occasion an increase of distress and pauperism, more than equivalent to any advantages that can arise from the remission of 2,103,043*l.* of taxes per annum, at the expiration of that period:—whilst the immediate remission of taxes, to the amount of 5 Millions per annum, will afford an important and essential relief from those burthens which at present press so heavily on the industry of the Country."

The *Chancellor of the Exchequer* put it to the candour of the hon. member, whether it would not be better, at this late period of the session, to postpone his resolutions? Whether the principles on which those resolutions were founded were right or not, it was impossible, at the present period, that they could receive a fair or adequate discussion. He would neither admit nor deny the accuracy of the hon. gentleman's calculations; and it was the less necessary to enter into any detailed examination of the resolutions, as the hon. member had himself stated, that they were only preparatory to some future plan, which it was his intention to submit next session. The hon. member's resolutions might all be embraced in three general principles. He attempted to show; first, that immense sums of money had been charged on the public, in consequence of not raising the sums necessary to defray the annual expenses within the year; secondly, that the application of a sinking fund during war had created an unnecessary increase of debt, and of the annual charge; and, thirdly, that as the national debt had been increased, instead of diminished, by the operation of a sinking fund, the system of a sinking fund ought not to be continued. With regard to the first of these points, no man would dispute, that had it been possible to raise the whole supplies of each year within the year, there never would have been any debt. The propriety of raising as much as possible never had been questioned; and resolutions to that effect had been moved on the 27th of July, 1812. If, however, the whole surplus charge of each year had been added to the debt, there would have been, previous to the peace of Amiens, an increase of 40 millions; and, taking the subsequent period of the war, an increase of 210 millions. Every gentleman must be aware that it would not have been possible to raise the whole supplies of each year by war taxes; and if there had been from the commencement of the war as great a taxation as after the peace of Amiens, the probability was, that the burthen upon the country would have been greater. It was but justice to Mr. Addington to say, that vigorous measures consequent to the peace of Amiens had been made during his administration. With regard to the second point, he could not agree with the hon. gentleman in the opinion which he had stated after Dr. Hamilton, that the operation of the sinking fund during war tended to increase the annual charge to the public; for the coming of the commissioners into the market whenever new stock was to be created, tended to keep up the price, and thus produced an advantage to the country. In the loan of 1819, a reduction from 24 millions to 12 had been effected, but the sum raised had been deficient; and as the greater part of that loan went to the purchase of the unfunded debt, of course the greater part of it was almost immediately returned to the market. With regard to the third and most important point, the conducting of the finance, he would make a few observations. In the first place, the hon. gentleman, in taking the actual amount of the funded debt, had attempted to show that no reduction had taken place in consequence of the operation of the sinking fund; but he had at the same time lost sight of the effect which it had had in reducing the unfunded debt. In 1816 or 1817 the annual charge on the unfunded debt was about three millions, and now it had been reduced to one million. This difference was the saving effected by the sinking fund, just as completely as though it had been an immediate reduction of the funded debt of the country to the same difference of annual charge. Even Dr. Hamilton admitted, that when there was an actual surplus of revenue, that could be advantageously applied to the reduction of the funded debt. At present, there was, he trusted, a surplus of 5,000,000*l.* and if, according to the proposal of the hon. gentleman, 5,000,000*l.* of taxes were to be given up, the public would be deprived of the means of reducing the debt. The hon. gentleman had stated, indeed, that he had a plan of his own by which the reduction of the debt was to be effected; but, until the hon. gentleman made his proposal to the House, he would abide by that which had been sanctioned by the decision of parliament, by experience, and by common sense. He con-

cluded by moving, "That the debate be adjourned till this day three months."

Mr. *Grenfell* complimented his hon. friend upon the able manner in which he had brought forward the subject, but differed with him as to the propriety of taking away the sinking fund. With every respect for his opinion, he believed the present system for the reduction of debt was the best that could be adopted; but there was no part of his hon. friend's statement in which he more entirely agreed, than that which related to the injurious operation of the sinking fund in time of war.

The debate on the said Resolutions was then adjourned till this day three months.

SLAVERY AT THE CAPE OF GOOD HOPE.] Mr. *Wilberforce* rose and said:*

Sir;—It will probably be remembered, that some time ago I moved an address to the Crown, earnestly entreating his majesty to renew those strenuous endeavours which his ministers had been already exerting, to prevail on several of the great powers of Europe, who had solemnly stipulated that they would co-operate with us in abolishing the Slave trade, to fulfil the sacred engagements they had contracted. My present motion may not unnaturally be deemed to be a sort of supplement to the former, or at least to arise out of it; for it is the object of my present address, to beseech his majesty's ministers to take effectual measures, without delay, for preventing, in a great colony which we have recently begun to establish, the extension of slavery, in circumstances also in which a trade in slaves would be the infallible and no distant consequence. It can scarcely be necessary for me to suggest how strongly we are urged to forbear from every the very smallest approximation to the criminal practices, with the continuance of which we are reproaching our neighbours. And being convinced, that unless we immediately interpose to prevent it, we shall soon see a new slave-colony formed, by means equally fraudulent and cruel as those which prevail on the opposite side of Africa, it becomes us not to lose an hour in taking adequate precautions against the occurrence of such an evil.

It is well known, that, two or three years ago, many families migrated to the Cape of Good Hope at the public expense, to whose number fresh additions are continually making. They have chiefly settled in the two great provinces of Utenhague and Albany, at a very considerable distance from Cape Town, and where the number of old settlers possessing slaves is very small. I well remember, when we first began our operations against the Slave trade, our warmest opponents were accustomed to say, that were we to begin anew, no one doubtless would think of commencing that traffic, but, on the contrary, every one would reprobate, in the strongest terms, the very idea of instituting such a system of atrocities. The same remark may justly be applied to the state of slavery. No man, who has any sense of the value of liberty, would think of establishing a condition of society so utterly at war with the rights and happiness of our fellow creatures. But it is one of the very chief evils of slavery, that it reduces its victims to such a state, that they cannot always be suddenly emancipated, without some risk of danger to themselves, and to the peace of the community of which they form a part. I grant, Sir, that it is but too true, that, especially where the slaves greatly outnumber the freemen,—and I may add, where the distinction between the races is of so marked a character as in the case of the White and Black population of our trans-atlantic colonies, — a sudden emancipation of the slaves would not only be injurious to their masters, but might probably be also ruinous to themselves. Yet I must remark, that the objections against sudden manumission ought not to be too implicitly admitted; for we have lately had instances which would lead us to a directly opposite conclusion. During our last unhappy war with the United States, the British commander in the southern colonies of America invited the slaves to join the British standard. Many accordingly deserted their plantations; and as it would have been cruelty and injustice to send them back to their old masters, it became a question, how to dispose of them. It was proposed to settle several hundreds of them (seven or eight hundred, I think) in the island of Trinidad—of course, as free labourers. But the planters opposed the idea most strongly, predicting nothing but failure to the plan; for it was contended that no free

* From the original edition printed for J. Hatcherd and Son.

Negro would ever work, and that, of course, they would support themselves by plunder. Sir Ralph Woodford, however, the governor of Trinidad, with an energy, as well as a benevolence and an ability, which did him great honour, was not to be overborne by prejudice. Accordingly, he planted them in a part of the island where the experiment would be most safely made; and I am assured that the result has proved highly favourable to his discernment; and that these men are now earning their subsistence, with so much industry and good conduct, as to have put to silence all the calumnies that were at first urged against the measure. I may also adduce the instance of many of the soldiers of the disbanded regiments of Blacks, both at Sierra Leone and other places, who have become industrious and commendable labourers for their own support. Yet, for the safe and general emancipation of the slave population of our West India islands, a previous moral preparation seems requisite: and I say this the rather, because I hesitate not frankly to avow, that this is the only excuse for our suffering the slavery of the West Indies to continue. Not I only, but all the chief advocates of the abolition of the Slave trade,—Mr. Pitt, Mr. Fox, lord Grenville, lord Grey, and every other,—scrupled not to declare, from the very first, that their object was, by ameliorating regulations, and more especially by stopping that influx of uninstructed savages, which furnished an excuse for continuing a harsh system of management, and prevented masters from looking to their actual stock of slaves for keeping up their number, to be surely though slowly advancing towards the period when these unhappy beings might exchange their degraded state of slavery for that of a free and industrious peasantry. To that most interesting object, doubtless, I still look forward; though I confess, that perhaps of late we all have been chargeable with not having paid due attention to the subject. But if, because in those great countries, which are the seats of the new British settlements, there are now a few proprietors with slaves who were settled there before this emigration took place, we were to render slavery the *lex loci*, the pervading system of the whole region, we should be justly chargeable with setting on foot a state of slavery; for the few slaves now there bear no assignable proportion to what will hereafter become the population of this extensive district. It becomes us now, therefore, while the evil is in the bud, to prevent its swelling and gaining strength and maturity, and diffusing its baneful seeds throughout the whole land. Rather let government endeavour to make terms with the few present proprietors, and, by grants of land, or in some way or other, prevail on them to remove from the district; or else they must be placed under some special regulations, suited to the peculiarity of their circumstances, and calculated to prevent their little stock of slaves from extending itself, and the possession of slaves by the few old settlers affording at once temptation and opportunity for the acquisition of slaves by the new.

It is due to his majesty's government to state, that they have indeed adopted two expedients for guarding against the extension of slavery; the first, by making it a condition of the new grants of land, that no slaves were to be employed; the second, that of establishing a registration of the slaves. Both these expedients, however, are utterly inadequate to the prevention of the evil. Experience shows, in other countries where government lands have been granted, and where forfeiture has been the penalty of the non-observance of certain conditions, that these conditions have soon fallen into disuse, but that the penalty has never been exacted. Such has been the case almost universally in the instance of the ceded islands in the West Indies. But the fact is so notorious that it will be at once admitted. Besides this, it must also be remembered, that the condition attached to these grants at the Cape of Good Hope only applies to predial, and not to domestic slavery; whereas domestic slavery is in some particulars of a still more malignant and pernicious character. I grant, that the slaves employed in the cultivation of land are apt to be reduced to a lower state of degradation, and, especially in the West Indies, to be treated too much on the same principles as the inferior animals. But, though the domestic slaves occupy a higher level where they are the property of men of rank and education, yet, were the secrets of that prison-house to be opened to the view, O what scenes would be displayed of the dreadful effects of the exercise of uncontrolled power, in low, uneducated minds! And remember, that it is domestic slavery which chiefly avenges the injuries sustained by its immediate

victims on their masters and mistresses, by producing all that depravation of moral character which never fails to be generated where the institution of slavery prevails. It may be justly specified as the most signal display of its depraving properties—thus constituting a *striking* instance of the truth of the remark, that the corruption of the best things sometimes renders them the worst—that slavery can even substitute a spirit of brutal harshness and cruelty, in the place of the natural softness of the female character. Never have I taken a close survey of the effects of of slavery in any community, in which several humiliating instances have not appeared of this destruction of the most delightful attribute of the fairest portion of our species. But against domestic slavery, this condition in the grants is professedly inoperative. Nor is the expedient of a registry likely to be of much more avail. When we consider the great extent of these countries; how far they are from the seat and how little they will be under the eye of government; how in every community, an *esprit de corps* naturally forms itself, and each man is disposed to connive at his neighbour's infractions of the laws, even if he should be acquainted with them; there would be little hope of a registry being enforced in these distant provinces—though I gratefully acknowledge its benefits near Cape Town, in the neighbourhood of which by far the greater proportion of slaves is to be found. But, still more, we must remember that the grand principle on which we depend for the efficacy of the registry in the case of the West Indies, does not at all apply to the colony of the Cape. The West India planters' estates are cultivated commonly with borrowed capital; and the mortgagee finds it necessary for his security from time to time to examine the registry of slaves; a counterpart of which is, or ought to be, kept in this country, and all variations from time to time communicated. The mortgagee knows that if the slaves are not duly registered his security is proportionably weakened, and therefore he sees to its enforcement. Thus it may be said to contain within it a self-executing principle. But the Cape cultivation is not carried on by borrowed capital, and therefore the same security for a due observance of the registry regulations is not supplied. In short, both these measures are ineffectual, and utterly inadequate to the prevention of the evil to be opposed.

And would we consider what an evil slavery is, we could not but feel it our duty to provide effectual preventives against its establishing itself in a new British colony. As I have stated in the address, the condition of slavery would infallibly be soon productive of the slave trade. Both on the land and the sea boundaries, the opportunities of making and importing slaves exist in abundant measure. To the north of the colony, throughout the long line of its somewhat indefinite boundary, there is scattered a set of wretched and defenceless savages, who could make no resistance; and beyond them, recent travellers have found that there are nations in a higher state of civilization, but too likely to learn the lesson of preying upon the weakness of their neighbours, and of establishing a traffic in their persons. I grant, Sir, that probably there may not as yet have been any illicit introduction of slaves into the new settlements. Indeed, I never meant to affirm that there had been any. But the truth is, that hitherto there has been no temptation to import slaves; but the temptation will soon exist, and then the facility with which the crime may be committed will assuredly lead to its perpetration. Again: on the marine boundary of the new settlements, there would be an easy access into the colony for slaves from Madagascar and the Eastern Coast of Africa, and the various other markets whence slaves have been till lately so abundantly supplied. I grant, indeed, that we have heard with pleasure of some of the chieftains of that part of the world having resolved to discontinue it. Rhadama, the principal sovereign of Madagascar, induced by the benevolent influence of governor Farquhar, has solemnly stipulated never again to suffer slaves to be carried from his dominions. But we know that the French are in the neighbourhood; and I am grieved to say, that, wherever they are found, they almost naturally apply themselves to the prosecution of this hateful traffic. But I will not press this topic farther. Every account which I have received confirms me in the persuasion, that, were the state of slavery to be established in those countries, a great slave trade would soon be infallibly produced: and surely the legislature of this country would be deeply criminal, if, through our negligence, such a system should be suffered to spring up. We, whom Providence has blessed with a

greater degree of true liberty (liberty regulated and protected by law) than any country ever before enjoyed since the foundation of the world—what a return would it be to make to the Author of all our mercies, to be employing all our superior wealth and power in marring his fair creation with such a blot as this! We are now justly distinguished for operations and exertions of an opposite nature. We are engaged in diffusing the light of divine truth throughout the earth, by our Bible societies, and by our missionaries, whom we send to enlighten and to civilize, in the most distant countries, the victims of ignorance and depravity. What a contradiction would it be, if, while we are professing ourselves the servants, and diffusing the principles, of the Prince of Peace and Love, we were to be establishing a system utterly and irreconcilably at war with the rights and happiness of our fellow creatures—in short, a system which may be justly termed one grand violation of every law, divine and human! Such a course would be inconsistent also with the examples, which, I rejoice to say, the representatives and officers of our sovereign have of late afforded, of the instinctive love of liberty which animates the hearts of Britons. In Ceylon, the judicious and active benevolence of the chief judge, sir Alexander Johnston, aided in its operation by governor Brownrigg, laid the foundation for the entire extinction of slavery at no distant period, by prevailing on the proprietors to agree, that all the children who should be born after a certain specified day should be freemen, being apprenticed only for a short time to the masters of their parents, in order to make good the expenses of their nurture and education. In St. Helena also, through the generous efforts of sir Hudson Lowe, and with the kind concurrence of the East India Company, a similar measure was established. And in a third instance likewise, the same blessed reformation was effected by the ever-wakeful benevolence of sir Stamford Raffles—a man of whom I will only say, that, let the field on which he has to display his superior powers be ever so extensive, he will always show himself equal to the occasion that has called them forth.

Let not our conduct in our new settlements at the Cape exhibit so shameful a contrast to the generous principles on which we have acted in these other instances. How should we make good the worst suspicions and jealousies of those who have imputed to us, that our zeal for the abolition of the slave trade has been prompted by self-interest, and not by a love of justice and humanity! Justly, indeed, in that case, might those other nations retort upon us, on whom we have been so strongly and repeatedly enforcing the obligations which bound them, by good faith no less than by every moral principle, to abolish the slave trade: and what lasting reproach would stain our characters, were we thus to show, that, while pressing other nations to perform their duty, we had been so scandalously negligent of our own!

Let me earnestly conjure the House to estimate this motion at its just importance. The countries which we are now beginning to settle are of vast extent; but, still more, by imperceptible boundaries they communicate with the almost interminable regions of the African continent. And my object is, to secure, throughout that vast extent, the prevalence of true British liberty, instead of that deadly and destructive evil which would poison the whole body of the soil, and render the prodigious area one wide scene of injustice, cruelty, and misery.

It would be no small aggravation of our guilt, were we to suffer slavery to establish itself, that the natives of that part of Africa, the Hottentots especially, who would but too naturally become its victims, have of late been rescued from those foul and groundless calumnies under which they so long laboured. I do not only allude to the character given of them by Mr. Long, before the Abolitionists became the advocates of the African race. Then indeed it was unreservedly stated, that they held a sort of middle rank between the brute creation and the human species, and only a little above the ouran-outang. But, let any one only read the catalogue of their wrongs, as stated in the able and interesting work of Mr. Barrow—the account of the shameful injustice and cruelty with which they were treated, and of their natural qualities, so opposite in all respects to those which had been imputed to them. Mr. Barrow states them to be "the most helpless, and, in their present condition, perhaps the most wretched of the human race;—duped out of their possessions, their country, and finally out of their liberty." After speaking of the low opinion universally formed of them, he represents them to be "na-

turally a mild, harmless, honest, faithful people; kind and affectionate to each other, and not incapable of strong attachments." In particular, he speaks of "their gratitude for any favour that is done them;" and adds, "I never found that any little act of kindness or attention was thrown away upon a Hottentot: on the contrary, I have frequently had occasion to remark the joy that sparkled on his countenance, whenever an opportunity occurred to enable him to discharge his debt of gratitude."—Again, the prejudices of the colonists against these degraded beings manifested themselves when general sir James Craig proposed to form them into a corps. It was foretold that their drunkenness, their indolence, their filthiness, and various other bad qualities, insured the failure of his attempt. But, on the contrary, sir James observes, never were people more contented, or more grateful for the treatment they now receive. We have "upwards of three hundred who have been with us nine months, and it is with the opportunity of knowing them well, that I venture to pronounce them an intelligent race of men; all who bear arms exercise well, and understand immediately and perfectly whatever they are taught to perform. What is still more striking, of all the qualities that can be ascribed to a Hottentot, it will little be expected that I should expatiate on his cleanliness, and yet it is certain that at this moment our Hottentot parade would not suffer in a comparison with that of some of our regular regiments." He goes on to specify other instances, to prove their various natural and acquired good qualities. A part of my address recommends this hitherto degraded race of men to his majesty's special protection; and it is the more necessary to interpose vigorously in their behalf, because they have been of late subjected to a species of ill treatment which we should scarcely have anticipated from Christian masters. If I had not received the intelligence from a source of information, on the authenticity of which I can implicitly rely, I should scarcely have credited, what however is an undoubted fact, that it has of late become a practice to train up these poor creatures in the Mohammedan faith: Mohammedan priests being employed as overseers for the purpose. It is alleged that the Mohammedan religion is to be preferred for slaves and Hottentots to Christianity, because it gives a security against their drunkenness, and also it tends to prevent the female slave from being inseparably bound to her husband, as she would be by the Christian rule of wedlock. I trust, that, both in respect to the Hottentots, and to the slaves generally, at the Cape, particular inquiry will be made whether or not the regulations enacted under the old government for their protection and education have been duly observed. I have great reason to believe that several valuable regulations of this kind have fallen into disuse, and that the revival of them is enforced upon us by every consideration of justice and humanity.

But surely, Sir, it cannot be necessary for me to enlarge upon the innumerable mischiefs of slavery, in a British House of Commons. I may appeal rather to that instinctive love of freedom which burns in every British bosom. It was a remark of one of our greatest painters, sir Joshua Reynolds, that every artist of true genius had in his mind an ideal form of excellence, which all the exertions of his pencil could never fully equal, and that he should have but a low opinion of the genius of him who could do justice to his own conceptions. In like manner, I may state that I should deem that man's sense of the worth of liberty to be shamefully defective, which was not far superior to any eulogium which I could pronounce on it. I will only, therefore, call upon the House on this occasion, to adopt a line of conduct conducive at once to their country's honour and the interests of mankind.

I now beg leave to move. "That an humble address be presented to his majesty, representing to his majesty, that this House has learned with great satisfaction that his majesty's government, with a just abhorrence of slavery, and a provident dread of the evils which would result from its extension, has made it a condition in the grants of land which it has recently allotted within the new settlements of the colony of the Cape of Good Hope, that no Slave labour should be employed in their cultivation; also, that his majesty has established a registry of the Slave population;

"That, nevertheless, from the great extent of the colony—from its contiguity to countries whence Slaves may at no distant period be easily procured—from the remoteness of many of the farms that are scattered over its surface, and from the

thinness of the population, the due execution of all laws enacted for the government of those countries, particularly those for preventing the illicit extension of slavery, must be rendered extremely difficult, more especially when self-interest shall tempt powerfully to the violation of them:

"That the regulation, so justly introduced into the colonial grants, applies only to predial slavery; whereas domestic slavery, while it is in itself at least as great an evil, would prove a strong temptation to the needy and indolent to procure drudges for their own use, and would operate with a still more pernicious influence on the feelings and habits of the new settlers:

"That, as to the expediency of a registry, the House cannot but fear, that a Slave registration for so extensive a colony, comprising thousands of square miles, where the plantations are very thinly scattered, and divided from each other by wide tracts of a desert and unpeopled country, cannot be so constituted and regulated, as materially to check, much less effectually to prevent, the fraudulent introduction of Slaves, where facilities exist for such introduction:

"That it cannot be necessary for a British House of Commons, in addressing a British sovereign, to enlarge on the evils of slavery. It is universally acknowledged to be an institution essentially odious in its nature, baneful in its moral and political effects, and more especially repugnant to the spirit and principles of our happy constitution:

"That the continuance of the state where it already exists is reconcileable with those principles only on the ground of necessity; and therefore to continue it in any country where its present extent should be extremely small, and where the local circumstances should be such as to admit of its safe and convenient abrogation, would scarcely be less reproachful than the original establishment of that state in a place where it had been previously unknown:

"That, in forming new settlements on the African continent, such conduct would be pre-eminently indefensible and mischievous; because the distinction between the European and coloured races of men must tend to extinguish sympathy, while the existence of the abject and ignominious state of slavery would powerfully generate or maintain, in the minds both of the white colonists and the coloured natives of neighbouring districts, feelings towards each other the reverse of those which we are bound, no less by sound policy than by every religious and moral consideration, to promote. Thus the growth of mutual good-will and civilization must be materially obstructed, to the prevention of that secure and harmonious intercourse by which important commercial benefits might be obtained on the one side, and the inestimable advantages of civil, moral, and religious improvements on the other. Instead of such happy effects of African colonization, dangerous animosities, mutual injuries, and inveterate border wars, might be expected as the natural consequences of an institution which would degrade the native race, and render them despicable in the eyes of the new settlers, while it would afford to the needy and worthless means and temptations to inflict upon them the most cruel wrongs:

"That the House also sees much reason to apprehend, that the time may come when the acts for abolishing the slave trade may be widely and fatally contravened in the new settlements now forming in Africa, if slavery shall be permitted there as a state recognized by law:

"That, under such circumstances, no effectual means can be devised for preventing abuses injurious to the best interests of the settlers themselves, pernicious to the natives of Africa, and derogatory to the honour of this country, but the extending, as far as possible, by a fundamental law, to the new African settlements, the same just and liberal principles of colonization, with such exceptions only as the slaves actually in the colony may render necessary, which have been so honourably and beneficially established at Sierra Leone:

"That we cannot but feel that many of the above considerations derive peculiar force from the efforts which this country has for some time been using to induce other nations to join with us in enforcing the abolition of the slave trade: that we should expose ourselves to just and merited reproach, if it could be truly alleged, that, while we had been using those endeavours, we had been violating our own principles by permitting the state of slavery to establish itself in regions where it had previously little or no existence, and more especially where a slave trade would almost inevitably follow:

"That we cannot but contemplate with

pleasure the honourable and successful efforts, which, under the paternal influence of his majesty's government, aided by the liberal spirit of the masters, have been made in various Brittish settlements for meliorating the condition of the slaves, and for ultimately putting an end to the state of slavery: and that we cannot but hope that his majesty's government will studiously avail itself of any opportunities it may possess of acting in the spirit of these benignant precedents:

"That we also beg leave humbly, but earnestly, to recommend the state of the Hottentots to his majesty's benevolent care—a race of men long misrepresented andvilified, who, however, have since abundantly proved that any efforts used for their moral improvement would not be employed in vain:

"That we consider that the communication of Christian instruction to the slaves and Hottentots, is a paramount act of duty; and the more necessary, because efforts have been made, not without success, to propagate among them the tenets and practices of Mohammedanism: that no doubt can be entertained of the happy result of those Christian endeavours: nor can we forbear to indulge the gratifying hope that by the gradual diffusion of the blessings of civilization and of moral and religious knowledge throughout the coloured population, those degraded classes of our fellow-creatures may by degrees be raised from their present depressed condition, and be rendered not only useful members of the colonial community, but valuable subjects of the British empire."

Mr. *Wilmot* said, that the hon. gentleman had assumed in his argument, that the colony at the Cape, and especially the newly settled part of it, might become a great mart for slaves. Now he thought that such an apprehension was wholly unfounded; and he firmly believed, that the condition annexed to all new grants of land, that it should not be cultivated by slaves, had in no one instance been violated. The slave population of the districts in which the new settlements had been formed, at present amounted to 546 males and 464 females. The House, however, would recollect, that the districts in question were not to be considered as a new colony, but were part of an old and long-settled colony, throughout which the same laws and institutions prevailed: it would be found difficult, therefore, to establish distinctions which would be available in practice, or to depart at once from the laws and usages which had previously existed. He certainly should be very ready, at the same time, to encourage the manumission of the slaves, by holding out some equivalent to the master; but he thought it would be most impolitic, even in offering a fair equivalent, to make manumission compulsory on the owners of slaves. However much he deplored the evils of slavery, he thought that any thing like a sudden and general manumission would be ruinous, not only to the master, but to the parties it was intended to benefit. He was disposed, however, to consider predial slavery as far more injurious than domestic slavery. The evil was not of our creation, and he was persuaded that the remedy for it, to be safe, must be gradual. With respect to the clandestine importation of slaves from the interior, he believed there was no just ground for supposing it would occur; and as for importations, there seemed to be no probability of their taking place. The natural difficulties of the coast were such as seemed to present insuperable impediments, and to form a rational security against any such attempt. There was a high surf which beat upon the shore, and there were no navigable rivers; so that, independently of the vigilant measures adopted by the government to prevent the Slave-trade, it seemed scarcely possible to smuggle slaves on shore. With respect to the Hottentots and other natives, their freedom was completely recognized by the laws. In the propriety of giving moral and religious instruction to the slaves, he fully concurred. The subject had not been overlooked by government. It was its wish to afford every facility to the improvement not only of the bodily comforts, but of the moral attainments, of the Hottentots and slaves in this colony. In short, ministers were determined to do all in their power to promote the objects which the address had in view; and it would be an instruction to the commissioners about to be sent out, to inquire into the state of the slave population, as well as to ascertain whether or not any clandestine importation of slaves had taken place.

Mr. *W. Smith* said, we had a clear right, and it was no less clearly our bounden duty, to prohibit the very existence of slavery, whether predial or do-

mestic, within the territory allotted to the new settlers. And even supposing some few grants to have been previously made, the difficulties in the way of such a prohibition did not appear to him to be hard to be overcome. Was it not possible, for instance, to divide the new settlements from the old by a geographical limit, on the eastern side of which liberty should be completely the *lex loci*? And if a few insulated farms should be found existing within this space, as exceptions to the general rule, could no arrangements be made with the owners, which should equitably satisfy any claims they might have acquired? All claims which were set up against the inalienable rights of human nature were in his eyes less than nothing. And such was the pretended claim of property in the persons of our fellow-creatures. One man, might, indeed, acquire some claims on the labour of another; but, farther than was necessary for the reasonable enforcement of these, he could possess no right in his person. The unqualified power over the negro slaves formerly contended for, necessarily vanished as soon as it was allowed that negroes were men. Would it now be alleged, that one man could possess a right to murder or to mutilate another? The very contrary was proved by the laws which had been passed on the subject. The power, then, which the master possessed, whatever it was, was a power to be restrained and regulated by law. Societies, so numerous that they were almost identified with the country itself, had for some years been laudably employed in spreading, to the utmost limits of the globe, the knowledge and benefits of our holy religion. Now, it had been a frequent objection in the mouths of its adversaries, that, whatever might be the purity of its doctrine, no corresponding practical good had resulted from its diffusion. But, among the many answers which had been given to this objection, none perhaps was more satisfactory than the undeniable fact, that through the influence of the Christian spirit, in the absence of any positive precept on the subject, personal and domestic slavery had been banished from among the civilized nations of Christendom, excepting, *proh pudor!* as respected the unhappy Africans in their colonial possessions. Now could we endure to be reproached with the glaring inconsistency, that while zealously pursuing the laudable objects just alluded to, we should at the same moment be founding, in our own dominions, new slave colonies? On the whole, he hoped that not only would the pest of slavery be now prevented from entering to pollute new regions, but that measures would be adopted, in every British possession, for diffusing such Christian light, and such habits of morality and good order, as would prepare the way for the safe communication, ere long, of liberty, to all who were now unhappily in bondage.

Mr. *Money* said, that the extension of slavery into the new settlements, dependent on the Cape of Good Hope, appeared to him to be so wrong in principle, that he most cordially concurred in the Address. He was decidedly of opinion, that neither the adoption nor the continuance of what was evil in principle, and cruel in operation, could be justified by any view to private or public advantage. In the present case, however, to permit slavery to exist was not only wrong in itself, but impolitic and dangerous. The hon. gentleman saw difficulty in preventing slavery in the new settlements, because it had been allowed by the Dutch laws at the Cape of Good Hope. It was true, that when we took possession of the Cape in 1806, the rights and privileges previously enjoyed by the Dutch had been secured to them; and among those privileges, was that of holding their fellow-creatures in slavery. But, surely it by no means followed, that after the cession of this Dutch colony in full sovereignty to his majesty, we were bound to follow the laws and customs of the Dutch. Those who maintained this proposition, might with equal propriety contend that the abominable practice of extorting evidence by torture, which formed a part of the Dutch criminal law, ought to have been continued; and yet it was one of the first acts of the British government to annihilate that monstrous proceeding. But even if it were admitted, that the articles of capitulation deprived us of the right to prohibit the old Dutch inhabitants from still treating their slaves as property, and selling them to each other, it could not be expected that, in forming new establishments, we should furnish them with new customers for their human merchandize. Surely we might make it an inviolable condition, with those whom we permitted to migrate thither, nay whom we assisted with the public money to

settle there, that they should not outrage British feelings and Christian principles by becoming the propagators of slavery; that they should not convert an infant establishment, reared under the auspices of a free and Christian government, into a mart for the sale of human beings. If, however, his majesty did not speedily and effectually interpose, such would be the inevitable consequence. The attacks of the Caffres of the interior on our distant settlements had already been formidable. If these should be renewed, would not the slaves, if slavery were allowed, consider it their interest to join the assailants? His acquaintance with the Cape, led him to dread the extension of slavery in any way which would bring more of our fellow-creatures under the merciless lash of the Dutch Boors, to whose service, death was often preferred, even by the slaves of Cape Town. He rejoiced also to learn, that a commission was about to be appointed to inquire into the administration of justice at the Cape. During a considerable stay there, he had been led to entertain a great abhorrence of the manner in which justice was administered under the Dutch colonial law, where the functions of judges were performed by persons having a common feeling and interest opposed to the slaves. There was now at the Cape a Dutchman who caused the death of one of his slaves by hanging him at his door. He was brought to trial. His defence was, that he had only intended to punish him, and not to take away his life; and he was acquitted!—In 1819, a female slave belonging to a Dutch gentleman at the Cape, had been treated with harshness; and at last her mistress threatened that she would take her children from her, and sell them to the Boors in the interior. The dread of that worst of all evils so worked upon her mind, that, to save them from this fate, she took them, four in number, down to the sea, where she succeeded in drowning three of them, and was in the act of destroying herself and the remaining child when she was discovered; and the alarm being given, she was rescued from her watery grave in a state of insensibility. She was carried to the jail, where medicines were applied to restore her, and a court of criminal justice was immediately summoned to try her. Scarcely able to stand, she was brought before this tribunal. When asked what she had to say for herself, she stared wildly, and made no answer; and in this state of apparent unconsciousness as to every thing around her, she was convicted to be strangled at a stake. The following morning this sentence was carried into execution; a party of the military attending, under the command of a British officer. Many more cases might be adduced, to show the necessity of reforming the criminal law at the Cape, and of giving to all classes of the inhabitants, bond as well as free, the benefits of a better and purer system.

Dr. *Phillimore* cordially approved of the motion. At the same time that he felt the difficulty and delicacy of interfering with the rights, or alleged rights, of the ancient Dutch colonists, he entirely agreed that, with respect to the districts newly settled, liberty ought to be the general law, the *lex loci*, and slavery the exception. Whatever tenderness might be due to the old settlers, he would not concede to the new the shadow of a right to establish a property in the persons of their fellow creatures.

Mr. *F. Buxton* said, that if he concurred with the hon. secretary, in thinking that there existed no more than a bare possibility that slavery might be introduced into our new settlements at the Cape, that bare possibility would be an unanswerable argument in favour of the motion. But could we flatter ourselves that there existed no more than a bare possibility? This much was certain; within our dominions there, the value of a slave was 160*l.*; without our dominions, and at no great distance, there were populous and savage nations, often engaged in war, and often liable to famine. Couple but the two facts together, and the consequence seemed irresistible; namely, that an active Slave trade would soon arise. It appeared, by a trial which took place at the Cape, that four negroes who had served in the British navy were then slaves—a fact utterly unaccountable, if we denied the existence of Slave trading. If, in spite of the unequivocal title to freedom which they possessed, these four men had been enslaved, were our apprehensions groundless, that the ignorant natives in distant parts of the settlement would be fraudulently consigned to slavery? To one fact, which proved the anxiety of the new British settlers to obtain slaves, he could himself speak. In conjunction with some other persons, he had assisted a family that obtained land at the Cape: an earnest

application had since been received from them for a further advance of money, in order to enable them to become the purchasers of slaves.

With these facts before us, it was clear, that upon the conduct of our government, in the course of the next three or four years, depended the great question, whether our immense dominions in that part of Africa should or should not be cultivated by Slave labour; whether the surrounding nations should or should not be visited by the havoc and desolation which an active Slave trade would produce; whether our own colonists, sent out by the capital of the country, should or should not be exposed to that moral turpitude which slavery always produced; and, lastly, the question whether we should or should not stand before Europe detected and convicted of the grossest hypocrisy. Nothing could be conceived more derogatory to the character of the country, than the semblance of a just suspicion that we should permit a new Slave colony and Slave trade to arise in our own dominions. We, who had stood foremost in the glorious cause of its abolition—we, who had ventured even to chide the tardiness, the ill faith, the inhumanity of other nations—were we at length, outstripping even their perfidousness, to see slavery beginning in parts of our dominions where it did not exist at the period when we acquired them? Let the commissioners immediately determine the spot where slavery existed on our arrival, and beyond these let liberty be proclaimed the *lex loci* without delay. He should give the motion his most cordial support.

The Address was agreed to.

COMMISSION OF INQUIRY.] Mr. Wilmot rose to move that an humble address be presented to his majesty, "That he would be graciously pleased to issue a Commission under the great seal, to inquire into the state of the settlements of the Cape of Good Hope, the Mauritius, and Ceylon, and also into the administration of criminal justice in the Leeward Islands." The motion, he stated, divided itself into two distinct parts: first, as regarded the Cape of Good Hope, the Mauritius, and Ceylon; and, secondly, as regarded the Leeward Islands. With respect to the first, the commission which he proposed to send out was one of a very general nature; for the commissioners would be directed to inquire into the whole state of each colony—into its whole civil government; into the extent to which its different offices might be diminished, both in number and salaries; into the state of the laws; and also into the practical administration of justice. At the Cape of Good Hope, the commissioners would be instructed to inquire into the very subject on which the hon. member for Bramber, had so lately addressed the House. They would have to consider the actual state of the Slave population, and to ascertain the existence of the Slave trade, and the means of its complete prevention. The currency of the colony would also be submitted to their consideration. They would be desired to inquire into any abuses which might exist in the colonies, and into the nature of the remedies which it might be expedient to apply to them; and to suggest such improvements as might appear to them to be expedient and practicable. With respect to legal proceedings, instructions had already been sent out to take measures for introducing the English language exclusively into the judicial proceedings of the Cape of Good Hope; and with respect to the diminution of offices, the noble secretary of state for the colonial department had determined not to fill up the office of deputy colonial secretary at the Cape, which was now vacant, until the commissioners had made their report on the subject. With regard to the Mauritius, the long continued dissentions in that colony, and the charges that had been preferred against the chief justice of the island, rendered such a measure necessary. Such a commission might, indeed, be less necessary in the island of Ceylon; but government had no hesitation to extend it to that island likewise, in order to satisfy the public regarding the manner in which its resources were managed. With regard to the sending out of legal commissioners to inquire into the state of the criminal administration of justice in the Leeward Islands, it would be in the recollection of members, that the noble lord opposite (Nugent) had brought in a bill at the commencement of the session to improve the administration of justice in those colonies. He (Mr. W.) had at that time suggested to the noble lord, that, before such a bill was taken into consideration, it would be expedient to collect all the information that could be obtained, in order to enable it to legislate wisely upon the subject. The noble lord con-

curred in his suggestion, and agreed to withdraw his bill, on condition that no time should be lost in sending out commissioners for that purpose. He could assure the noble lord, that, if the present motion was agreed to, no time should be lost in forwarding them to the place of their destination.

Mr. *Wilberforce* said, he had no doubt, if the appointments were judiciously made, that great good would result from the commission.

Lord *Nugent* said: I wish, Sir, to express the sincere pleasure I feel in supporting my hon. friend's motion. The inquiry which is the object of it, is one of the highest importance to humanity and justice. It is at this time peculiarly called for, by abuses which have long been ripening in the Leeward islands, and which have now risen to a character and amount of which the House has but a faint idea. I have to thank my hon. friend for the early intimation, which he gave me, of his present motion. It relieves me for the present from a duty to which, in some measure, I stood pledged. The main object which I should have had in view in calling the attention of the House to this subject, has been more than answered by the motion of this night. On the details, therefore, of the measure which I should have submitted, I shall not now enter. In truth, Sir, every question of West-Indian jurisprudence is surrounded by very many and very great difficulties. Among these, is the difficulty of separating truth from falsehood, in the evidence obtained from the islands themselves. A general impression of misgovernment may often lead to much mis-statement, and great grievances may provoke to great exaggeration. One of the greatest obstacles, in looking to an administration of public justice, such as we all should wish to see perfected in a British colony, unhappily lies in the existence of slavery: it lies in the obvious anomaly of the attempt to introduce the machinery of a free government into a society composed of master and slave. Whilst, however, it shall be unhappily necessary, that to a certain degree this dreadful curse of slavery should yet find countenance in colonies dependent upon England, it is peculiarly our duty to remove those minor obstacles which present themselves to the general operation of British justice. And here we are met by an obstacle, difficult indeed to deal with: I mean, the smallness of the free white population, the only persons possessing any share of political rights. Where men live together in very small societies, all public spirit soon becomes merged in a feeling of private conventional arrangement: a sort of corporate spirit soon prevails, fatal to the fair administration of the laws; and, above all, public opinion becomes a very weak and ineffectual check. In truth, public opinion in the lesser islands there is none. In consequence, numerous offices, some quite incompatible in principle and in duties with each other, are frequently held by the same person. Magistrates have frequently to decide in matters of property, so strictly analogous to their own, that the principle of their own case is often involved in their decision on the case of another. The chief justices of these islands, without a single exception, instead of being rendered independent of suitors, are dependent for the greater part of their salaries upon annual votes of the assemblies; and these assemblies are entirely composed of resident planters, or managers of estates; between whom and their servants, or between whom and non-resident proprietors or merchants, every issue which these judges have to try must generally lie. Under such a system, Sir, it is impossible to expect that magistrates, or courts, or judges, can be properly respected. Hence arise those outrages against law and against humanity, which are perpetrated without disguise and without check, and that habitual disregard and contempt with which the institutions of justice are treated in those islands.—Sir, if it be thus in criminal matters, in cases of property it is, if possible, even worse. Juries cannot be trusted where the cause lies between residents and absentees. Cases frequently occur, in which merchants and absentee proprietors are forced into the most ruinous compromises by the impossibility of obtaining justice against resident planters or managers. In truth, I have good reason to believe that, under the present system, a representative government and trial by jury, are instruments only of oppression and injustice. I believe, that, on the whole, a power entirely arbitrary and irresponsible, vested in the hands of some one with fair dispositions and sufficient independence to do justice, would, in a majority of cases, give a better chance of substantial right. Accordingly, where a governor is resolved

to do justice after his own way, without truckling to local influences, or conforming himself to the prevailing spirit of cabal and intrigue among the planters, he has only to withdraw himself from under their domination, and his power becomes totally arbitrary, uncontrouled, and practically, as far as relates to the authorities of the island, entirely irresponsible. And yet it is remarkable, that under such governors the fewest grievances are suffered, and the fewest subjects of complaint arise. But still, I ask, is this arbitrary system to be countenanced in a colony professedly under the protection of English law?—On the whole, I will venture to state, that the basis of a better system must be laid, first, in the consolidation of the courts of the different islands; and, secondly, in the disqualifying all persons having property, or acting as managers of property in the islands, from holding any offices connected with the administration of justice. Such a step would give the fairest chance of justice being administered with equality and with mercy; it would provide for the respectability and independence of the colonial bench at a much smaller aggregate charge; and it would give a tenfold security to the now very precarious tenure of West Indian property.

Mr. *Hume* approved of the motion, as tending to economy in the administration of the affairs of the colonies, which had been heretofore profuse and lavish. He was also anxious to have a similar commission for Trinidad, and should move, as an addition to the address, "That his majesty will be graciously pleased to direct that a commission be sent to the island of Trinidad, to inquire into, and report upon, the nature of the Spanish laws, both criminal and civil, as there administered; the extent of the taxes and other burthens imposed upon the inhabitants; the powers exercised by the governor; his proclamations respecting grants of land; and other matters that affect the welfare and prosperity of the colony."

Mr. *Marryat* said:—Mr. Speaker; while I fully acquiesce in the motion for issuing a commission, to enquire into the state of the settlements of the Cape of Good Hope, the Mauritius and Ceylon, from which I augur very great advantages, both to those colonies and the mother country, I am also extremely anxious that the same benefit should be extended to another of our colonies, Trinidad, as proposed by the hon. member for Montrose: and I trust that my local knowledge of that island, and the extensive and constant correspondence that I have long maintained with it, will enable me to state such additional facts, as will satisfy the House of the expediency of agreeing to his amendment.

The first reasons I shall offer, are founded upon the enormous amount of the exactions imposed upon the inhabitants of Trinidad. That island produces about the same quantity of sugar as the adjacent island of Grenada, and therefore the ability of the inhabitants to bear burthens may be supposed to be the same. But the exactions wrung from the industry of the former, are so out of proportion to those levied on the latter, as to call loudly for enquiry and redress. The amount of the taxes annually raised in Grenada are about 30,000*l.* currency. Those raised in Trinidad, according to a pamphlet published here in 1817, by a very intelligent inhabitant and considerable landed proprietor of that island, are 106,000*l.* currency. The amount of law expenses and fees of the courts of justice in Grenada, are estimated at 20,000*l.* In Trinidad, according to the authority before quoted, they amount to 130,000*l.* The annual expense of the registry of slaves in Grenada is 200*l.* sterling. In Trinidad, the writer already referred to, states it at 22,500*l.* currency. In Grenada, the expenses attending the apprehension and restitution of a runaway negro, seldom or ever exceed 4*l.*, and frequently do not amount to half that sum. In Trinidad, 44 runaway negroes were apprehended together about two years ago; and after a tedious legal process, during the continuance of which they remained in gaol, were ordered to be restored, on their proprietors paying their respective proportions of the expences, which amounted to no less a sum than 5,272*l.*; or nearly 120*l.* each, which in many cases exceeded the value of the negroes, considering the deterioration they had suffered, both in health, morals and habits of industry, during their long confinement in gaol. I speak of this case from actual knowledge, having been drawn upon to pay part of the money, on account of the proprietor of some of these slaves, who at the same time transmitted me the official account of the charges. They appeared to me so enormous, that I felt it my duty to

send them to the colonial office, with a letter expressing my sentiments upon the subject; but, to my surprise, I received rather a smart rap on the knuckles, for presuming to question the excellence of any of the regulations devised by sir Ralph Woodford, for the benefit of the inhabitants of Trinidad.

Large sums are also raised in Trinidad for objects of embellishment, utterly inconsistent with the means of the inhabitants. The governor orders the streets to be new paved, and assesses the proprietors of houses 4*l.* 6*s.* 8*d.* per foot on their frontage, to defray the expence of the alteration. The usual front of a lot being 60 feet, each proprietor of a lot of this description has to pay about 250*l.*, for tearing up the pavement and laying it down again, with a kennel on each side instead of one in the middle. It is to be observed too, that this 4*l.* 6*s.* 8*d.* per foot, is the rate for one side of the street only; the owner of the house opposite, being obliged to pay the same amount; so that the whole expence of this alteration is a cruel tax upon the inhabitants of Port of Spain. Some of them have been actually obliged to mortgage, and others to sell their houses, to liquidate their assessments to the pavement; for unless they are paid by the day fixed in the Gazette, the marshal levies without further notice. —The governor orders new roads to be cut through estates one year, abandons them and orders others in a different direction to be made the year following, at a great expense to the unfortunate proprietors. In 1815, governor Woodford ordered a new road to be made through Marbella estate, upon which the able-bodied negroes belonging to that and several neighbouring plantations were employed nearly the whole of the month of March; and this appropriation of their labour, during the height of the season for making sugar, cost some of the proprietors a considerable portion of their crops. The year following, in the month of August, when the labour of negroes upon the roads is in a great degree useless (from the rainy season having set in and made them beds of mud), but when their labour is essential for the purpose of weeding the canes on which the ensuing crop depends, sir Ralph Woodford ordered the negroes of the same estates to work upon a new road traced in a different line, that which was made the year before being abandoned.—The inequality of the burthens imposed on the inhabitants of Grenada and Trinidad is easily accounted for; Grenada enjoys a British constitution—her laws are framed by representatives chosen from among the people, and who can impose no taxes to which they do not themselves contribute, in common with their fellow-subjects; but Trinidad is under an arbitrary government, and her laws are made by a single individual, who has no common interest with those over whom he rules.

Another subject that demands a commission of inquiry is, the nature and extent of the powers vested in the governor of Trinidad. These powers are defined in his majesty's proclamation of the 19th of June, 1813; which recites that "all the powers of the executive government, within the said island, shall be vested solely in our said governor, who is directed to administer justice and police, in conformity to the ancient laws and institutions, that subsisted within the said island previous to its surrender; (but with these saving clauses) as nearly as circumstances will admit, subject to such regulations, alterations and improvements, as may have been since made, and approved by us; subject also to such instructions as he may hereafter receive; or to such deviations, in consequence of sudden and unforeseen emergencies, as may render a departure from them manifestly expedient." In other words, his will is the law; as may be shown by the following exemplification of the powers he is authorised to exercise.—He may impose fines upon individuals, and imprison or banish them at his own will and pleasure. Fine and imprisonment have been circumstances of frequent occurrence, under the Spanish system of government continued in Trinidad; and the power of banishment is also asserted by sir R. Woodford, in his proclamation of the 19th August, 1815, prohibiting the inhabitants of Trinidad from supplying the independents of South America, with arms, ammunition, warlike stores or money. This proclamation declares, that all the inhabitants who contravene his orders, shall be banished and expelled from the colony, and their property be forfeited and confiscated to the use of his majesty. The denounciation against the Spanish independents, who had been permitted to reside in the colony, recapitulates all these powers: for it runs thus,—"Those who shall be detected in

the like offences, shall be forthwith imprisoned, their property be forfeited and confiscated, they shall be banished and expelled from the colony, and the securities entered into for their good behaviour be deemed and taken as forfeited to the government."—The governor sends for individuals, and examines them upon interrogatories, in answering which they are obliged to criminate themselves. He intercepts and opens letters addressed to individuals, demands a sight of those they may have received, and searches houses and breaks open locks, to obtain possession of papers, at his own will and pleasure. He imposes new taxes by his own sole authority. He has, indeed, a council, but the members are nominated by himself and removeable at his pleasure, and it is a council of advice not of controul; so that in fact their power is nominal. The taxes have been greatly increased since the arrival of sir R. Woodford. Formerly the annual expences of the civil establishment were provided for, by a duty of 3½ per cent on imports and exports; and with this source of revenue only, general Picton left a balance of near 100,000 dollars in the Treasury when he gave up the government to his successor. The tax upon exports is now levied on the real, and not as formerly on the official value; so that a hogshead of sugar which before paid about 1½ dollar, now pays an average of nearly three dollars. New taxes have also been laid on slaves, dwelling houses, wines and spirits.—The governor imposes new fees of office for himself and the other public functionaries. A docket of fees was published by governor Picton in 1798, and a new docket was published by sir R. Woodford in July 1816. The former neither took fees himself, nor allowed the judges to take any; but confined them to their salaries, and declared that "the administration of justice on their part ought to be gratuitous." The latter takes fees both as governor and as judge; and has taken the highest fees to himself, as being the highest in rank. His fee on merely writing his name, to certify appeal papers, is no less than 50*l.* currency! The whole number of fees enumerated in governor Picton's proclamation is 13; in sir Ralph Woodford's new docket, the enumeration of them fills twenty-three handsome sized pages! So great is the avidity for fees in Trinidad, that they have even been exerted from unfortunate persons, who, escaping from the Spanish Main, have sought an asylum in Trinidad from the fury of contending parties and the horrors of civil war, for permission to reside there during the pleasure of the governor.—According to the Spanish law, a will in the hand-writing of the testator (the mode in which wills are usually drawn in that country), may be opened and proved before any of the judges or alcades, as well as before the governor or chief judge; and the fees, according to the old table, were 10¼ bits, or 9¼ dollars. As people die fast in that climate, this source of emolument is worth monopolizing, and sir Ralph issued an ordinance, that such wills should in future be opened and proved before himself alone; and the fees now charged upon them, are stated to amount, in some cases, to 50 and even to 100 dollars. A great portion of the inhabitants of Trinidad are Roman Catholics; and such of them as can afford it, have the host or great cross carried before their funeral processions. Sir Ralph has contrived to exact a fee from them even at the grave, (where it might have been thought they would have been suffered to rest in peace), by demanding eight dollars as the price of his permission to use that ceremony.—I have heard that sir Ralph's emoluments are fixed, and that he derives no benefit from any of these fees; but be the money appropriated how it may, it comes out of the pockets of the inhabitants of Trinidad; and I contend that they ought not to be subjected to such numerous and heavy exactions, at the pleasure of any individual, or for any purpose whatever. The exercise of all these powers may be, and I believe is, in perfect conformity to Spanish laws; and therefore it is not of the individual, but of the system, that I complain: for I am persuaded, that if an angel from heaven was sent down to administer the government of Trinidad in its present form, he would find it impossible to give satisfaction; and this is a sufficient reason why it ought not to be continued.

The most oppressive, because the most important act in the administration of the government of Trinidad by sir Ralph Woodford, has been his issuing proclamations, striking at the root of the titles of all the landed property in the island, calling upon the inhabitants to hold their estates in future by a new tenure, to pay at once to the Crown 160,000*l.* fines, be-

sides annual quit rents for ever, and not much less than 50,000*l.* fees to himself and his associates in office. On the 5th Dec. 1813, a proclamation appeared, declaring "a great proportion of the titles to land in the colony to be defective or absolutely void, either as arising from the neglect of the parties themselves, or from an abuse or violation of their respective grants, or for want of some specific declaration of the royal pleasure thereupon; but that his royal highness the prince regent, taking these circumstances into his consideration, as well as the advantages that the inhabitants now and hereafter will derive, from a secure tenure and unmolested possession of their lands, has been pleased to declare, that such grants only shall be considered valid, as were registered in strict conformity to the Spanish cedula of 1783; but that the titles to other lands should be confirmed, on the owners paying a fine of 100*l.* currency each to the Crown, an annual quit rent of 5*s.* per quarrée, and being subject to have such portion of their grants resumed, as may not have been duly cultivated or as may be wanted for the public service." The landholders of Trinidad alarmed at these threatened exactions, appointed a committee, consisting of twelve gentlemen, seven of whom resided in the colony and five in London. The former undertook the task of preparing a memorial, in vindication of their rights; and the latter were requested to support it by representations to his majesty's ministers; and if these failed, by an appeal against one of the decrees of the governor.—Sir Ralph's impeachment of the titles to land held under Spanish grants, was founded on the 3rd article of the cedula of 1783, which prescribes that all grants should be registered in the Book Becero of Population; but a reference to the cedula shows, that it neither imposes the duty of registering them upon the grantees, nor makes the register itself essential to the validity of their titles. The language of the article is directory, not conditional. The document which is to serve as the title deed of their property, is declared in the cedula to be "The copy of the respective allotments;" in other words, the diagrams or plans of their grants, taken by the surveyor-general, and recorded in his office; which hitherto had uniformly been so considered and recognized.—The duty of registering these grants, properly belonged to officers appointed by the king of Spain, who attempted to derive undue advantages from their situation, and demanded large fees from the grantees, for doing that which they were already paid for doing by the king of Spain, and were bound by his royal cedula to do without fee or reward; the second article of that cedula declaring expressly, that these lands were to be given, "gratuitously and in perpetuity." Other clauses in this cedula, show that the king of Spain never contemplated the payment of fees for these grants, by the new settlers; for they exempt them from the payment of all duties and taxes for ten years; and direct the governor to furnish them with money out of the royal treasury, to purchase cattle, mules and implements of agriculture. This cedula opened Trinidad as an asylum for fugitive debtors; and all these provisions were evidently made with a view to the state of poverty, in which persons who availed themselves of it might be expected to arrive; and are wholly incompatible with the idea of their being required to pay large fees for recording their grants.

From the foregoing considerations, there appear no grounds whatever for the language of this proclamation, "That a great proportion of the titles to land in Trinidad are defective or absolutely void, either as arising from the neglect of the parties themselves, or from an abuse or violation of their respective grants:" and in farther proof of the just title by which the inhabitants hold these lands, they appeal to the general laws of the Indies, which declare as follows:—"All parties who have received grants from the governors of any of the Spanish colonies, and who have resided upon and cultivated their land for four years, are entitled to dispose of the same by sale, or in any other manner they may think proper." [Recopilation, book 4, title 12, law 1.] The same law declares four years' residence and cultivation to give absolute dominion of property in grants so obtained. In support of the validity of the titles by which persons hold lands, though not recorded in the Book Becero, and of their being considered as having absolute dominion over them, after four years' residence and cultivation, it may further be urged, that numerous sales and conveyances have been made from time to time, and recorded in the different public offices of the escrivanos in Trinidad: for it is obvious, that if the titles of these

lands had been forfeited, as now declared, no Spanish lawyer would have advised his client to pay a valuable consideration for lands thus circumstanced.—The holders of the grants further appealed to the capitulation, under which the inhabitants of Trinidad surrendered to the British arms; the 8th and 9th articles of which guarantee all the private property of the inhabitants, as well Spaniards as such as have been naturalized; and pledged the British government to consider all contracts and purchases made according to the laws of Spain, as binding and valid.

The noble lord at the head of the colonial department, after hearing the representations of the committee on this subject, apprised them that he had given up the fines and quit rents, but intended to enforce the new rights claimed for the Crown in sir Ralph's proclamation, of escheating lands for what he terms partial cultivation, and taking any part of them whenever required for the public service. These new rights were considered by the inhabitants, as far more oppressive than the fines and quit rents which had been abandoned. The latter were, at least, fixed and determinate in their nature; but the former destroyed the security of all private property, and placed every man at the mercy of the governor for the time being. These new-claimed rights, gave the governor the power of ejecting any individual out of his own house, on giving him merely a nominal indemnity, in a grant of uncleared lands; which are actually of little or no value, as large tracts of cleared land may be purchased in Trinidad for less than the expense of cutting down the wood.

With respect to the point of due cultivation, all that is required, either by the cedula of 1783 or the Spanish laws of the Indies, is, that the grantee should reside upon and cultivate the lands allotted to him, with the means he possessed (in proportion to which the extent of his grant was regulated), for the term of four years; after which the law gave him absolute dominion over them, and the right of disposing of them by sale, or in any other manner he pleased. No man can guarantee the lives of his slaves, and if he were deprived of them by contagious disorders, or by any other calamity, the Spanish government did not punish him for his misfortunes, by escheating his lands. Much less should the British government enforce such a principle, after having abolished the slave-trade; a measure which, however dictated by the high considerations of justice, humanity and policy, must soon render the loss of slaves irretrievable.—In opposition to these new-claimed rights, the inhabitants of Trinidad appealed to the laws of Spain, which recite all the reservations made by the Crown in colonial grants (among which the rights in question are not to be found), and distinctly declare that they relate to nothing else. The king of Great Britain can acquire no other rights, either by the conquest or the cession of Trinidad, than those which belonged to the king of Spain at the time of the surrender of the colony. He cannot assume those of which that monarch had previously divested himself in favour of his subjects, without violating their just rights, and infringing the capitulation under which they surrendered to his government. The committee therefore made a fresh representation to his lordship, contending that the possessors of land under Spanish grants, were entitled to hold them, upon the terms on which they were originally accepted and cultivated: but to this they received no answer.

A few months previous to the proclamation of the 5th Dec. 1815, sir Ralph had prosecuted Belmont estate at the suit of the Crown, on the ground of its being forfeited for non-registry in the book Becero. Judge Bigge, who tried the cause, decided against the Crown, and declared the title of the owners to be good and valid. After that proclamation had been confirmed at home, the attorney-general of Trinidad appealed from the sentence of judge Bigge, and brought the case before the superior tribunal, in which sir Ralph is judge; who reversed judge Bigge's decree, and confiscated the estate. Another estate called the Union, adjoining to Belmont, was soon afterwards escheated, on the ground of being required for the public service; being wanted, as the decree, states, "for the enlargement of the lands occupied by his excellency the governor," whose country residence was situated at Belmont. An appeal was entered against the governor's decree confiscating Belmont; but before it could be brought to a hearing, sir Ralph obtained an order from Mr. Barry, the owner, to stop the proceedings, by paying him for the estate not by a nominal indemnity in wood lands, but in hard dollars; and thus disappointed

the inhabitants of Trinidad, in their expectation of having a legal decision of the lords of appeal on the merits of their case. After this, sir Ralph proceeded to enforce his proclamations. Surveys were taken, by his order, in the two quarters of north and south Naparima; and various portions of land belonging to different estates were confiscated, under the new rights claimed for the Crown, and sold by public auction. These confiscations and sales have hitherto been confined to two out of more than thirty quarters, or parishes, into which Trinidad is divided; the inhabitants of the rest of the island being left to enjoy the pleasing sensation, that a similar fate is reserved for them at some future period. As their last resource, they have petitioned this House. A copy of their petition is in my hands, but the original is not yet arrived, the only mode of procuring the signatures of the land owners being by sending it round to them on their respective estates, which necessarily occasions considerable delay. It enters into a long detail of the injustice and oppression of the proceedings of sir Ralph respecting the grants of land, and prays that a commission may be sent out to inquire into and report upon that subject; "and on such other matters, as are immediately and deeply connected with, and affect the welfare and prosperity of the colony." The statement of the petitioners appears to me to be unanswerable; and nothing can satisfy the justice of the case, but the repeal of all the oppressive proclamations respecting grants of land in Trinidad.

Another part of sir Ralph Woodford's conduct that demands inquiry, for the honour of the British character, is his treatment of the Spanish independents who sought an asylum in Trinidad. When the royalist army was marching upon Guiria, that part of the coast that lies just opposite Trinidad, numbers of unhappy fugitives embarked in boats, canoes, and whatever small craft they could find, to save themselves from the exterminating fury of their enemies, and went over to Trinidad, where sir Ralph Woodford refused these unfortunate wretches, the greater part of whom were women and children, permission to land. The smallness of their vessels, and the want of provisions, made it impossible for them to seek any other port. They had no alternative but to return to the place from whence they came, where many of them were immediately massacred; and the rest fled into the woods and mountains of Guiria, to seek that shelter among wild beasts which had been denied them by sir Ralph. I stated these facts in one of the debates on the Foreign Enlistment bill, when the truth of them was denied by the noble marquis on the Treasury bench, and the then under secretary of state for the colonial department; but the correctness of my statement has since received a most unexpected confirmation. The report of this debate in the public papers found its way to the Spanish Main, and attracted the attention of the government of Columbia, who directed the attorney-general to examine on oath, persons worthy of credit and faith, as to the facts in dispute. Their depositions not only confirm all I stated, but prove much more, and give various details of the hostile treatment of the Spanish independents by sir Ralph Woodford. In the answer given to one petitioner who prayed for an asylum in Trinidad, he shelters himself under the authority of the British government; for he says, "it is inconsistent with the regulations by which I am instructed to guide my conduct, to admit to a residence here, during the present disturbed state of the Spanish neighbouring colonies, persons not being natural born subjects of his Catholic majesty." These words appear to be an actual proscription of all the Spanish independents; and unless ministers disavow having given such instructions, and show their disapprobation of sir Ralph's conduct, they will transfer the odium, which is now confined to him as an individual, to the government by which he is supported and patronized.

The effects of sir Ralph Woodford's cruel treatment of the independents, have been highly injurious to the commercial and manufacturing interests of Great Britain. The intercourse with the Spanish Main had been so successfully cultivated by general Picton, that in the prospectus he sent to the colonial department, he states, that during his government above 1000 Spanish vessels, upon an average, cleared out annually at the secretary's office, with British manufactures, in return for money and the produce of South America; and the secretary to governor Hislop sent home documents, showing the annual amount of the manufactures so exported, in his time, to be not less than eight millions of dollars. The principal part of the traffic between the Spanish Main and the free ports in the Leeward islands, was

formerly divided between St. Thomas's and Trinidad; each being situated at the opposite extremity of the Antilles, and therefore well calculated for communication with different parts of the continent, and both being in the possession of Great Britain during the war. At St. Thomas's, general M'Lean, the governor, gave an asylum to all refugees from the Spanish Main, without inquiring whether they were royalists or independents; and so far from requiring fees from them, for permission to reside there, he liberally promoted subscriptions to relieve the distress under which too many of these wretched fugitives laboured. Unfortunately for the interests of the British manufacturers, it so happened, that, after the peace, we restored St. Thomas's (where the conciliatory treatment of the governor had attached the independent party) to the power to which it formerly belonged, and retained Trinidad, where the conduct of the governor had been of so hostile a nature. The consequences of the two different systems were then fully manifested. Returns of the vessels that enter and clear from the different ports in the West Indies, are regularly transmitted to Lloyd's by their agents. One packet brought them for a longer period than usual; from the 17th Sept. 1816, to the 24th Feb. 1817. The number that entered inwards and cleared outwards at St. Thomas's, from and to the Spanish settlements, in that interval, was 198 sail. Advices from Trinidad, of the same date, say, "We have now no intercourse with the Spanish Main." Nor has the trade of Trinidad ever recovered the blow given it by the conduct of sir Ralph; whose hostility towards the independents has not only injured the commercial prosperity of that island, but transferred a valuable branch of trade from British shipping to foreign shipping, and from British manufactures to foreign manufactures.

The nature of Spanish laws, both criminal and civil, calls for inquiry; which will demonstrate them to be, in the highest degree, oppressive and defective. In the first place, they recognize the principle of inflicting different punishments for the same offence, according to the rank and condition of the parties; in opposition to every principle of British justice, which knows no distinction of persons. In criminal cases, it is almost impossible to bring a culprit to punishment; for according to the laws of Spain, no persons can be convicted of a capital offence, unless the actual commission of the crime be proved by two witnesses, not coming within the numerous exceptions of these laws. A boy under 14 years of age, a girl under 12, a relative within the fourth degree, an accomplice, an enemy, and various other descriptions of persons, are all declared incompetent witnesses; and presumptive evidence is inadmissible, even when confirmed by the evidence of one eye-witness. Not only do crimes go unpunished under this system, but innocence is oppressed. A woman named Betsy Diggin, was confined in gaol in Trinidad for seven years, charged with the murder of a man who was never known to be dead, but who, when she succeeded in obtaining a trial, was actually proved to be alive; and this woman was at length acquitted, after having suffered a punishment, which, in that climate, few persons would think preferable to death itself.—Another striking instance of the oppressive nature of the Spanish criminal laws, has been furnished in the case of Mr. Gallagher, the printer of the Trinidad Gazette; who, for inserting in his paper an advertisement from the committee, appointed at a general meeting of the inhabitants, for the purpose of endeavouring to obtain British Laws, was confined, by order of judge Smith, for more than two months, in a noisome cell among negro slaves and malefactors, to the great injury of his health, and at the imminent danger of his life; and at length was released only at the intercession of governor Hislop. From the treatment experienced by Mr. Gallagher, it appears, that as by the laws of Spain the editor of a newspaper can print nothing relative to matters of government, unless it be previously inspected and approved by the judge, while he is bound to insert every article sent by him for insertion, however repugnant to his own principles and feelings, no such thing exists as the liberty of the press: that as by the laws of Spain a judge is authorized to punish any contravention of his orders, by imprisonment of the party in a loathsome and solitary cell, for an indefinite period, without bringing him to trial, no such thing exists as the liberty of the subject: that as by the laws of Spain a judge may condemn any person to pay an arbitrary fine, and take his goods in execution for the amount, without his being heard in his own defence, or even apprised of the crime alleged

against him, no such thing exists as security of property. Yet these laws are the laws actually in force in the British colony of Trinidad!

The objections to the civil laws of Spain, as administered in Trinidad, may be comprised under the following heads: their unfitness for a commercial country; the delay arising from the forms of the proceedings; the expense occasioned by the length of the suits; the uncertainty of the decisions, owing to the discretionary power vested in the judges; and the obscurity of the laws themselves. Spain is not a commercial country. Her commerce is shackled by exclusive grants and monopolies; and her laws are ill adapted to the encouragement of that credit and confidence, which are the great foundations of commercial enterprize among a free people. The Spanish laws prohibit creditors from bringing an estate to sale, under execution, for less than two-thirds of its appraised value, which generally far exceeds its real value. If, at the sale, a cash purchaser be not found, the creditor at whose suit the proceedings are instituted may be compelled to take the estate at the appraised value, and must immediately find cash to pay the balance. The object of most creditors is to realize the debts due to them, not to lock up still larger sums in the purchase of West India property for more than it is worth; and it is obvious that while debts can only be recovered under such difficulties and disadvantages, few advances will be made to planters in Trinidad.—A great discouragement to commerce in the Spanish laws is, that they do not allow interest according to the laws of Great Britain, and the custom of merchants, who make up their accounts annually, by adding the interest to the principal, and charge interest upon the whole balance in the new account. Here the law and the custom are completely at variance; and so long as any litigious debtor in Trinidad can avail himself of this plea, credit will not be given there as in the other colonies.—Mortgages are a species of security, the validity of which has always been held sacred in other countries, but has been much weakened by various decisions in Trinidad. Don Chacon, the last Spanish governor in that colony, issued a proclamation, legalising loans upon mortgages of estates, bearing interest at the rate of 6 per cent per annum, establishing a registry for recording those mortgages, and empowering the mortgagee, if the instalments were not regularly paid, to foreclose and bring the effects to sale in three days from the time of commencing the proceedings. Under this proclamation, many persons were induced to make advances to the Trinidad planters; and the colony had rapidly risen to that state of cultivation and prosperity, in which it was found when it fell under the government of Great Britain. This system was soon overset by the decisions of judge Smith, who decreed, on the 20th Sept. 1809, in the case of Thesiger and Farril, Bruce tercero oppositor, that according to the laws of Spain, no deed was valid that reserved interest on a loan; and on this ground declared Mr. Thesiger's mortgage to be void.—The same judge found out another mode of invalidating British mortgages, by enforcing a Spanish law respecting their registry, which declares, "the time prescribed for such registry is within six days after the execution of the deed, if the same has been executed within the metropolis and its limits; or within a month, where the execution took place, or the property which is the subject of the deed lies, in any other district." It is obvious that a mortgage executed in England, could not possibly be recorded in Trinidad, within the time prescribed by this law; and yet in the case of Cook v. Farril, judge Smith, on this ground, set aside Mr. Cook's mortgage, in favour of one subsequently given to Mr. Bruce.—Both the Spanish laws quoted on these occasions are found in the code of Old Spain, but not in the recopilation of the Indies; and therefore appear to have been improperly and erroneously acted upon by judge Smith, in opposition to the established custom in Trinidad, introduced by the proclamation of governor Don Chacon: because the Spanish law declares that, "As judges are obliged to know the laws and decide according to them, so they are obliged to know the customs and usages, that publicly and notoriously prevail in the cities and provinces over which they preside, and judge according to them; for not only the exercise of that which the law directs is confided to them, but also that which is established by custom and usage, and when they act in contradiction thereto they make their neighbour's cause their own, and may be punished by the judge of residencia; nor shall the ignorance of

such custom or usage, if it is written, or of notorious practice, excuse them". In confirmation of this authority, it is expressly forbidden in the laws of the Indies, to enforce any edict of the kingdom of Old Spain, in any province of the continent, or islands upon the sea-coast of the Spanish Indies of South America, not ordered to be there enforced by a special cedula, dispatched by the council of the Indies for that purpose.

Another mode, (subject to the same objection), by which judge Smith superseded the validity of mortgages in Trinidad, was by applying to that colony a law passed in Spain, on the 16th July 1790; which in order to secure to the husbandman such a credit with the merchant as might enable him to continue his agricultural labours (during the period when for want of produce he might be destitute of the means of obtaining the necessary supplies), gave the merchant the right of payment for such supplies by preference, out of the crop of the succeeding year. On this principle, judge Smith decreed, in the case of Foulks v. Whitmore and Langton, October 18th, 1809, (and the precedent continues to be acted upon), that the supplies for cultivation of the estates, without limitation of time or amount, are to be paid in preference to mortgages; and as many estates for some years past have not paid the expenses of cultivation, the whole revenue is paid over to the island creditors to the exclusion of the mortgagee; whose security, instead of being the best, has now become the very worst that can possibly be held in Trinidad. These statements sufficiently prove, that the laws, as at present administered in Trinidad, are little calculated for a commercial country; and that they are injurious to the credit, and consequently to the prosperity of the colony.

The delays arising from the forms of the proceedings in the Spanish courts, will be at once comprehended, when it is stated, that all civil suits, except for sums under 500 dollars (which are tried in an inferior court, and decided in a summary manner), are carried on by petitions and written pleadings, much in the nature of the proceedings in our courts of chancery; and consequently equal them in duration. This fact is not denied, but imputed to the "peculiar nature of the Spanish system," by the Trinidad barristers, in their address to the chief judge, dated the 7th Feb. 1817, and sent home by sir Raph Woodford; in which they ascribe the observations made by the Trinidad committee, in their memorial to the secretary of state for the colonial department, "to ignorance of the Spanish laws, and the peculiar nature of the proceedings in the courts of that colony." Some of those peculiarities will now be explained; in order to account for the almost interminable nature of a Spanish process, and for the great encouragement which the Spanish laws give the debtor, to contest the payment of a just demand. In the first place, the debtor enters upon a defensive litigation with his creditor under this peculiar advantage—that instead of being subject, as in an English court of law, to costs, if the creditor succeeds in establishing any part of his demand, he is exempted from them unless the creditor can establish the whole. It frequently happens, that some particular item cannot be substantiated, for want of the necessary document; and then the costs of an expensive and tedious suit are thrown upon the creditor, and sometimes absorb the whole of his debt. If the creditor surmount this difficulty, prove his whole demand, and obtain a sentence, the debtor has still various means of evading payment. He may pray for a concurso of his creditors, and offer to surrender his whole property to be divided among them. They are then convened by public notice, their various demands are given in, and legal proceedings instituted to establish them by proof. When these formalities are concluded, each creditor is to contend with the others for preference, according to the Spanish law. If the demands be upon specialties, they are decided upon according to priority of date, registry or non-registry in due time, and the privileges arising from the origin of the debt. Then follow contests between the mortgagees and creditors for supplies; the latter claiming a priority over the former, under the Spanish law as administered in Trinidad. All this time the debtor continues in possession, and is allowed alimony out of the estate, for taking care of the property. The creditor who instituted the original suit, and was at the expense of carrying it on for several years, after obtaining sentence, execution, and even sale of the property, often finds all his labour lost, and his claim set aside in favour of some more privileged competitor. When the

debtor is at length ordered to deliver up the property to the depositario, or to a purchaser, the wife presents herself against all the creditors, and claims the fortune she brought her husband at her marriage, which she alleges to have been expended in improving the property in dispute; or if the wife be dead, the children come in, through the father-general of minors, and demand their maternal property. Proofs are to be obtained, by order of the court, perhaps from distant parts of the world, of the marriage itself, of the marriage contract, of the property actually delivered to the husband, and of its expenditure. When these suits are terminated, the estate is sold, payable by instalments, at several years' credit. The law expenses are always first provided for out of the sale; and the creditors who are to receive the remainder, are frequently obliged to enter actions against the purchaser, in order to enforce the payment of the sum decreed to them by the sentence of the tribunal. So that even after the property has been sold, the delay in dividing it among the creditors still continues; and it very frequently happens, that neither debtor nor creditor lives to see the end of the litigation.

This is a true history of many law suits in Trinidad; and the expense of several British merchants who have attempted to foreclose mortgages or to recover debts in that colony, enables them, unfortunately for themselves, to vouch that the picture is correctly drawn and not too highly coloured.

The expense of Spanish law proceedings is the natural consequence of the mode in which they are carried on, and of the manner in which they are protracted. But a practical proof of this has been furnished, in papers sent home by sir Ralph Woodford, from which it appears, that the taxed costs in the court of the chief-judge alone, for the six months from June 1816 to January 1817, amounted to no less than 36,000*l*.; and these costs apply only to the concluded causes, not to those yet pending, which are far more numerous. Estimating the costs of the courts at a very moderate rate, it will appear that the whole amount considerably exceeds all the taxes levied upon the inhabitants, heavy as they are. If such a state of things existed in this country, and the amount of the law charges paid by the public was greater than the taxes, what an outcry would be raised against such intolerable extortion! Since it has been officially proved that this is actually the case in Trinidad, nothing more need be said to show the enormous expense of the administration of justice in the Spanish courts.—From the same official documents we learn, that more than 2,200 undecided causes are now in their different stages of progress, in the court of the chief judge of Trinidad. If it be asked why the number of law suits in Trinidad bears so extraordinary a proportion to the population (the number of white people not much exceeding 2,000), the answer is easy; because the laws are administered in a foreign language. In every other country, where the laws are written in the language of the inhabitants, every individual knows the rules by which he ought to regulate his conduct; but in Trinidad, where the people in general are ignorant of the language in which the laws are written, most of them form their ideas upon questions relative to property, according to the laws of the country from whence they emigrated, which, varying from the laws of Spain, lead them perpetually into error, and involve them in endless litigations. This great evil can only be removed by changing the system.

Another very important subject of complaint against the present administration of justice in Trinidad, is the uncertainty of the decisions, owing to the discretionary powers with which the judges are invested. Judge Smith's commission, dated 1st October 1808, runs thus. "And we do hereby authorise you to make such rules and orders of practice, relating to the proceedings in your courts, as may be found convenient for the more easy and effectual administration of justice, so as the same shall be conformable to equity and good conscience, and in no way contrary to the spirit of the Spanish law." Under this commission judge Smith introduced new rules, (as has been already shown) respecting mortgages, interest of money, and the preference due to the different classes of creditors, contrary to the laws of the Indies, and to the established usage of Trinidad. The innovations and uncertainties that have been introduced into the administration of justice in Trinidad, are a most serious grievance. Debts privileged at one period, have been superseded at another, in favour of debts of a different description. No decree in the tribunals can be considered as forming a certain

precedent, to govern any future case. No man, therefore, knows whether the tenure by which he holds his property is secure; and property thus circumstanced must necessarily depreciate in value. Lord Camden has observed, that "the discretion of a judge is the law of tyrants; that it is different in different men, always uncertain, dependent on temper and circumstances. In the best, it is sometimes caprice; in the worst, it is every vice, folly and passion, that can degrade human nature." When these remarks are connected with the peculiar circumstances of Trinidad, where the powers of the governor, who is also a judge, are so enormous, it will be evident that of all places in the British dominions, Trinidad is the last, in which the discretion of the judge ought to be substituted for the fixed rules of law.

The right of appeal is a very inadequate remedy for the wrongs done by the decisions of the judges. It applies only to cases where the amount exceeds 500*l.* sterling, and even in those holds out little little prospect of redress. Judge Smith's commission runs thus: "In all cases of appeal you shall subjoin to the records of the proceedings of the cause, the reasons, together with the references to those parts of the Spanish laws whereon you have grounded your decisions." Thus the judge is to send home an ex-parte statement in favour of his own sentence, which in all probability will be confirmed, as neither the privy council nor any barristers in this country, are qualified to examine the Spanish laws in search of opposite authorities. If the privy council are merely to determine whether the sentence of the judge is correct according to the Spanish laws, it appears absurd to appeal from the judgment of a man who may understand something of them, to that of a set of men, who, however great their talents or information may be in other respects, understand nothing of them. If, on the contrary, it be intended to revise his sentences according to the spirit of British laws, it appears equally absurd to appoint a judge to decide according to Spanish laws, in the first instance, and then to reverse his sentences for not being conformable to British laws.

This state of the administration of justice, is a snare to the governors as well as to the governed. For modifying the severity of the Spanish laws, by the milder temper of the laws of Great Britain (in strict conformity to his instructions) and for substituting the picket, a punishment then used among our own cavalry, in lieu of the torture prescribed by the decree of the Spanish Alcalde, the late gallant and lamented general sir Thomas Picton, one of the most meritorious officers Great Britain ever possessed, underwent a long and unmerited persecution. He was suspended in his career of honourable service, injured in his private fortune, wounded in his dearest feelings; held up to public obloquy as a monster of cruelty and oppression, and in danger of being torn to pieces by an exasperated and deluded populace. Tardy justice, indeed, awaited him; but seven long years elapsed, before it could be established in a British court of justice, whether torture was or was not the law of Spain. This memorable case shows the injustice which results from our groping about in the obscurity and darkness of foreign laws; and should teach us to abide by the well known and understood laws of our native country.—In every point of view in which this subject can be considered, the defects of the present mutilated and garbled system are apparent, and are still more exceptionable than the Spanish laws (odious as they are to British subjects) would be, if administered without any alterations. A system, like a machine, consists of various parts, adapted to and fitting with each other. Take out any of these parts, and substitute others intended for a different machine, constructed on different principles, and it will be found impossible to make them work together. Yet such is the attempt which has been so long persisted in at Trinidad; and the result is precisely what might have been expected, general dissatisfaction. The political and juridical machine should either be preserved entire, or changed altogether.

Other objections to the Spanish system of jurisprudence remain yet to be noticed. The secret nature of the proceedings in the Spanish tribunals, has an injurious effect upon the public mind and morals. Nothing is known but to the parties and to the judge. Fraud remains concealed, and the bad man mixes in society, with the same opportunity as before, of repeating his mal-practices upon his unsuspecting neighbours. But if trials were public and before a jury; and if the examination of witnesses were viva voce and in open court, the conduct of every man

would be known; virtue would be justified, and iniquity exposed; the public mind would be enlightened, and morals improved. So long as judicial decisions depend upon the judge alone, so long must the bar look up to his favour for success in their profession. The frown of the governor, or the forbidding look of the judge, inflicts immediate punishment on him at whom it is directed; for the public are sufficiently sensible of the weight of these indications, to give their professional causes into the hands of the advocates who are most smiled upon. The independence of the bar can only be established, by transferring legal decisions from the decree of a judge to the verdict of a jury, according to the laws of Great Britain.

Strange indeed it appears that Spanish laws should still be in force in Trinidad, after the repeated assurances given by his majesty's ministers, that it was not their intention to continue them as a permanent system. In 1804, lord Hobart wrote a letter to governor Hislop, dated 2nd February, expressing the anxiety of his majesty's ministers, to introduce into the island of Trinidad, with the least possible delay, so much of the laws of Great Britain as might be expedient for the security of the persons and properties of his majesty's subjects, and for the general advancement of the interests of the settlement." His lordship added, "Trinidad having, by the late treaty of peace, become to all intents and purposes a British island, and all its inhabitants subjects to the British Crown, it is extremely desirable that a form of government, as nearly approaching to that which subsists in his majesty's other colonies as the situation of the settlement will admit of, should be established without delay." In 1806, lord Camden gave similar assurances to a deputation of the merchants of London interested in Trinidad. In 1808, his majesty declared in the preamble of judge Smith's commission, "that it was expedient Spanish laws should remain in force, until the final settlement of a government and laws for our colony of Trinidad." The continuance of Spanish laws has been the subject of repeated complaints, both from the inhabitants of that colony and the British merchants connected with it; and in proportion as the nature and effects of those laws have been better ascertained and understood, the complaints against them have increased, and the petitions to be relieved from them have become more numerous and urgent. Soon after the arrival of the commissioners in 1802, an application was made to them by the inhabitants, praying them to recommend to his majesty the establishment of British laws. When the three years had expired which were allowed the inhabitants, by the treaty of peace, to settle their affairs, in order to their departure if they did not choose to become subjects of Great Britain, and when it was hoped that British laws would be established, another petition from the planters and merchants, dated Jan. 18th, 1805, was presented to his majesty, praying for British laws as established in the other islands. In 1806, a petition from the merchants of London trading to Trinidad, was presented to his majesty, praying for British laws for the recovery of debts. In 1808, a petition from the inhabitants was presented to the Prince Regent, praying for the British constitution, as established in the other British West India colonies. In the same year, similar petitions were presented to his royal highness from the merchants of London, Liverpool, Lancaster, Bristol and Glasgow. In March, 1810, an address from the inhabitants of Trinidad, praying for British laws, was presented to general Hislop, so numerously and respectably signed, that on the 18th May following, the council of the island, with the concurrence of the governor, addressed his majesty, "expressing their hope that the general wish of the proprietors and inhabitants would be complied with." In 1811, petitions to the same effect were presented to this House, from the merchants of London, Liverpool, Bristol, Glasgow, Dublin and Cork.

From the first establishment of Spanish jurisprudence in Trinidad, by the British government, the defects of the system have been so strongly felt, that various changes in the mode of administering justice have been adopted from time to time, with the view of remedying the evils complained of. In 1797 (immediately after the conquest of the island) general sir Ralph Abercromby banished the Spanish lawyers, on account of their notorious venality and corruption, and appointed Mr. John Nihell, chief justice, directing him to decide all cases according to his conscience. In 1800, governor Picton superseded judge Nihell, and es-

tablished the court of Consulado. In 1806, governor Hislop abolished the court of Consulado, and re-appointed judge Nihell. In 1808, his majesty's government appointed Mr. George Smith chief justice, uniting both the original and appellant jurisdictions in his person. In 1810, governor Hislop, with the advice of the council and Cabildo, superseded judge Smith in the exercise of the appellant jurisdiction (under which he decided upon appeals against his own decrees), as being unconstitutional, and contrary to Spanish law. In 1811, governor Hislop revived the court of Consulado. In 1812 and 1813, there was no law at all in Trinidad; as appears from the petition of the barristers transmitted to the colonial department. In 1814, Mr. Bigge was sent out as chief justice, with a new commission, confining his jurisdiction to the court of the first instance, the appellant jurisdiction being vested in the governor: and since the return of sir Ralph Woodford from Trinidad, he is said to have submitted various new devices for re-modelling the Spanish system, to the consideration of the colonial department. These perpetual alterations in the administration of Spanish law, resemble the writhings of a man in pain, who vainly hopes to obtain ease by shifting his position; and the failure of all the experiments hitherto tried, proves that no modification of a system radically bad can give effectual relief.

When the expediency of establishing British laws in Trinidad was discussed in this House in 1811, a powerful objection urged against that measure was, the apprehension that the proximity of Trinidad to the Spanish main furnished means of carrying on an illicit intercourse in slaves, and that the change of system would interfere with the measures thought necessary by government, to enforce the laws passed for the abolition of the Slave-trade. This danger no longer exists; for since that period, the Slave-trade and even slavery itself has been abolished, by the new Independent government. Another objection urged was, an idea that the laws of Spain were more favourable to the free people of colour and the slaves than those of Great Britain; and this idea was founded on a proclamation which was declared to have been the law of Trinidad, but to have entirely fallen into disuse since the colony came into our possession. This proclamation, however, never was law either there or elsewhere, as I shall clearly demonstrate. The laws of the Indies, as far as they relate to the internal government of the Spanish colonies, generally originate in the Audiencias, and are confirmed by the king in council; but if they originate with the king in council, they must be confirmed and promulgated by the Audiencias, before they have the force of law. This principle is laid down in the laws of the Indies; and the proofs that this ordinance was never promulgated by the Audiencia of the Caraccas, to whose jurisdiction Trinidad was subject, and consequently that it never was law in Trinidad, are clear and decisive. In the first place, it is not to be found in the Recopilation of the laws of the Indies, printed under the authority of the king of Spain, at his royal press in Madrid, in 1791, two years after the date of the ordinance; and the preamble to the Recopilation orders, in the king's name, that "all other laws, cedulas, ordinances, instructions or acts, whether printed or manuscript, shall have no authority, it being differently provided for herein, or they being expressly revoked." In the next place, governor Picton, on the 30th June, 1800, issued an ordinance for regulating the treatment of slaves in Trinidad. This ordinance includes many provisions similar to those contained in the Spanish ordinance of 1789, with the addition of others which appear to have been taken from the Guardian act of the island of Grenada. If the Spanish ordinance of 1789 had been the law of Trinidad, it would be absurd to suppose that governor Picton, in a proclamation, the preamble of which declares its object to be, "to prescribe reasonable bounds to the power of masters and others having the charge of slaves," would have enacted again what had been already provided for; or that he would have thought it necessary to prohibit the master from inflicting more than 39 lashes on a slave, in any case, by a new ordinance, if he had been prohibited from giving him more than 25 lashes, by an ordinance actually in force. —That this ordinance is not the law of Trinidad, may also be proved by the judicial decision of judge Smith. A French surgeon in that island, named Le Bis, who was also a planter, was tried before him for the murder of his slave. It was proved on the trial, that this slave had run away, and that on his being brought

back, his master gave him nearly 200 lashes, and then went to breakfast leaving him tied up to the whipping post; and when he returned, found him dead. The attorney-general, Mr. Gloster, who prosecuted on behalf of the Crown, cited governor Picton's ordinance, and contended that the master, having murdered his slave, by inflicting a punishment upon him contrary to law, must suffer the consequences of his crime. Mr. Knox argued, on behalf of the prisoner, that this ordinance never having been confirmed by the king, had not the force of law; he quoted the Recopilation, as warranting the punishment which had been inflicted; and contended that this was the only law in force in Trinidad, under the commission granted by his majesty to the judge, which directed the administration of justice according to the laws which were in force during the Spanish government. Judge Smith agreed in opinion with Mr. Knox, and acquitted the prisoner. A certificate of the facts of this case, in conformity to the foregoing statement, drawn up and signed by Mr. Knox, is now in my possession, and completely refutes the idea, that greater protection is given to the slaves by the laws of Spain, than by those of Great Britain.

If this subject be considered on general principles, it is impossible to imagine any system more incongruous and unaccountable, than that of continuing in every ceded colony, the form of government that was in force there, at the time of its surrender to his majesty's arms. By this means, instead of securing to our newly-adopted fellow-subjects, and to those of our countrymen, whose spirit of enterprise may lead them to settle in these new acquisitions, the administration of laws calculated to promote their liberty and happiness, we leave it to chance to determine under what laws they shall live, as if it were a matter of little or no importance. Indeed, they have not even the benefit of a fair chance; for most of our conquests being made from powers having arbitrary governments, the forms and practices of those governments are of course continued; and thus, in point of fact, we have established despotism and oppression, in all their various shapes and colors, in different British colonies.—It seems an anomaly in politics, that the conquerors should receive laws from, instead of giving them to the conquered. Formerly, Great Britain acted on the system of ancient Rome; the wisdom of whose political institutions was fully proved, by the extent and duration of her empire. Whenever she extended her conquests, she introduced her laws and her language. She admitted her new subjects to a participation in the rights and privileges of Roman citizens, and thus animated them with zeal to support her cause, and maintain the honour of the Roman name. In like manner, and with the same results, Great Britain once gave her colonies the benefits of British laws and the British constitution. Only eight months after the treaty of peace in 1763, by which she secured great colonial acquisitions, a proclamation was issued, declaring,—"That his majesty, to show his paternal regard for his newly-adopted subjects, and for the better security of their liberty and property, had directed his governors, so soon as the state and circumstances of the said colonies would admit, to summon and call general assemblies, and with the consent of their councils, and the representatives of the people, to be summoned as aforesaid, to make laws for the good government of the said colonies;" and in the mean time assuring the inhabitants, "that they should enjoy the benefits of the laws of England; for which purpose, courts of judicature and public justice for hearing and determining all causes, criminal as well as civil, according to law and equity, should immediately be established;" and these promises were duly fulfilled. Although the wisdom of this gracious and paternal proclamation has been so satisfactorily proved by the consequent prosperity of those colonies, the inhabitants of our more recent acquisitions are still aggrieved by the adoption of an arbitrary government, which subjects their liberty to the will of the governor, and their property to the discretion of the judge, sent out to rule over them.

Under the old colonial system, the inhabitants were naturally desirous of acquiring a knowledge of the laws by which their property was protected, and of the language in which they were written. To this study they were also prompted, by their desire to qualify themselves for a participation in the legislative power, as members of the colonial assemblies, or as magistrates. Thus they soon acquired British habits, manners and feelings; and the next generation became really, as

well as nominally, British subjects. Under the new colonial system, none of those inducements operate upon their minds, but foreigners they are, and foreigners they will remain, to the end of time. In the former case, the hands and hearts of the inhabitants were with the government; and garrisons were only necessary to assist them in opposing the common foe. In the latter case, garrisons will be necessary to defend the colonies against the inhabitants as well as against the enemy. If ever we hope to diminish the expence of maintaining these possessions, we must return to the former system, and make the inhabitants, in the true sense of the term, British subjects. The truth of the foregoing observation is admitted, in a pamphlet lately published under the direction of his majesty's ministers; which says, treating of the new colonies, "their collective peace establishment was thus primarily taken at 23,000 men. Ministers saw, indeed, that the same amount of force would not always be necessary for this service; but that portions might be withdrawn gradually, as the colonists became accustomed to the superior administration of British laws."* Strange indeed it seems, that if his majesty's ministers saw this, and were aware of the superior administration of British laws, they should act contrary to their own conviction, and continue the administration of foreign laws in all the ceded colonies: that instead of granting to the inhabitants those laws and that constitution which would promote their happiness and prosperity, attach them to the mother country, and gradually render large garrisons unnecessary, they should subject them to arbitrary laws and an oppressive form of government, which engender misery, discontent and insurrections, and require the constant maintenance of a large and expensive military force. Mr. Burke says, "My hold on the colonies, is in the close connection which grows from common names, from kindred blood, from similar privileges and equal protection. These are ties, which though light as air, are strong as links of iron. Let the colonies always keep the idea of their civil rights, associated with our government; they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing and their privileges another; that these two things may exist without any mutual relation, the cement is gone, the cohesion is loosened, and every thing hastens to decay and dissolution." The late general sir T. Picton, in a letter to the under secretary of state for the colonial department, dated the 25th July 1816, makes the following observation on the foreign population of Trinidad. "If you do not make citizens of them, by a liberal communication of all civil and political rights, they will always continue foreigners, and may eventually become enemies."

This new system is as much to be deprecated in a constitutional as in a political point of view. In all colonies to which it extends, the king of Great Britain is an absolute monarch, his will expressed through the governor being the law. The love of power is one of the strongest passions in the human breast; it is a growing, a corrupting, and a contagious passion. A taste for power at home, may therefore naturally arise in the mind of an ambitious king or minister, from the exercise of it abroad; and the consequences of this new system in the colonies may become dangerous to the liberties of the mother country. May it not be reasonably expected, that some future secretary of state for the colonial department, after receiving dispatches from the governor of Trinidad, who is embarrassed by no popular representation, who imposes taxes at his pleasure, and sentences all who murmur at his decrees, to imprisonment, banishment or confiscation of property, on coming to the cabinet and finding his colleagues harassed by opposition both in and out of parliament, may contrast the enviable situation of the West Indian governor with that of his majesty's ministers; and express a wish that the new order of things established in our colonies, could be introduced into the mother country? Since principles are immutable in their nature, and not dependent upon time or place, it may fairly be argued, that whatever system is best for the one is best for the other also. If arbitrary power be established in our colonies, it will soon, like their other productions, be imported here. As we sow, so shall we reap; and find, perhaps when it is too late, that by consenting to the adoption of those dangerous principles abroad, we have paved the way for their introduction at home. Fit

* State of the Nation, page 74.

instruments for such a purpose will hereafter be found, in governors, judges, and military officers, who have returned from the colonies, and who will naturally be desirous to continue the exercise of that despotic authority, in which they have so long been accustomed to indulge. Pecuniary resources for such an enterprise, may also be derived from the same system. The revenue of these colonies is the king's, and to be disposed of only as he shall direct. The amount of the taxes levied in them is regulated solely by the royal will and pleasure; and when the number and magnitude of the colonies now under arbitrary government are considered, it will be found that immense sums of money may be raised among them, for which the king is not responsible to parliament; and thus resources may be drawn from those of our fellow-subjects who are under arbitrary government abroad, to bring us under arbitrary government at home. Mr. Fox justly observed, "Give princes and ministers the exclusive right of disposing of any considerable part of the treasures of the nation, without account and without control, and from that moment the liberties of the people are gone for ever." The acute and intelligent Dr. Franklin, writing confidentially to a friend in England, declared his opinion of the consequences that would have ensued, if Great Britain had succeeded in her attempt to establish an arbitrary government in her north American colonies, in these emphatic words, "Our slavery would have brought on yours." The new system of colonial government is a second attempt to introduce this order of things; and therefore as we value our own liberties, as well as those of our fellow-subjects in the colonies, we ought to abolish the new, and revert to the old system.—The despotic nature of this new system is self-evident. It completely answers the following description of Blackstone: "In all arbitrary governments the supreme magistracy, or the right both of making and enforcing laws, is vested in one and the same man, or one and the same body of men; and whenever these two powers are united together, there can be no public liberty." It appears also to be a violation of the laws and constitution of England; for though the right of conquest vests a temporary exclusive authority over conquered colonies in the Crown, yet a permanent legislative authority over colonies ceded to Great Britain, and which consequently have become integral parts of the empire, has never before been either exercised or claimed by the Crown alone; and it is somewhat surprising, that the two other branches of the legislature, should hitherto have taken no notice of this manifest encroachment upon their inherent and essential rights.

Great authorities may be quoted in support of the opinion, that although the king may govern a conquered colony in what manner he pleases, yet whenever such a colony is ceded to the British Crown, it becomes assimilated to the government of which it forms a part, and ought to be governed according to the laws and constitution of this country. The 6th of George III. declares, "that all his majesty's colonies and plantations in America, have been, are, and of right ought to be, subordinate to and dependent upon the imperial Crown and parliament of Great Britain, who have full power and authority to make laws and statutes, of sufficient validity to bind the colonies and people of America, subjects of the Crown of Great Britain in all cases whatever." And the 18th George III. c. 12, renounces the right of the Crown and parliament to tax the colonies, except in matters for the regulation of commerce; but where is the law which declares the right of governing the colonies to be vested in the Crown, independent of parliament? On the contrary, the 2nd of Wm. and Mary, c. 2, declares "that the pretended power of suspending or dispensing with laws, by regal authority, without consent of parliament, is illegal." Mr. Locke, in his essay on government, says, "if any one shall claim a power to lay or levy taxes on the people by his own authority and without consent of the people, he thereby invades the fundamental laws of property, and subverts the end of government." Nevertheless, this power is exercised by the governor of Trinidad, in the name of his majesty. Bryan Edwards, in his history of the West Indies, commenting upon the celebrated case of Campbell v. Hall, in which the ceded colonies successfully resisted the attempted imposition of the $4\frac{1}{2}$ per cent duty claimed by the Crown, gives the opinion of a serjeant at law, whom he considered a gentleman of distinguished ability, but does not name, in the following words. "If the king re-

ceives the inhabitants under his protection, and grants them their property, I deny that he has power to fix such terms and conditions as he thinks proper; for he cannot reserve to himself in his individual capacity, legislative power over them; that would be to exclude the authority of the British legislature from the government of a country subdued by British forces, and would be an attempt to erect imperium in imperio. One consequence of this would be, that such conquered territory might descend to an heir of the king, not qualified according to the act of settlement to succeed to the Crown of Great Britain. The king might give it to a younger son, or bestow it on a stranger. A thousand other absurd consequences might be pointed out, as resulting from such incongruity. The fallacy of lord Mansfield's argument proceeds from an endeavour to confound the king's civil and military character; and to perpetuate in the chief executive magistrate, the vast powers with which it is necessary to invest the generalissimo of the armies, during the continuance of military operations. The moment these operations cease, he resumes his civil character; and in that character no man would venture to assert, that as king of Great Britain, he has the prerogative of being a despot in any part of his dominions."

This new system has been extended to so many of our colonies, that we may now judge of its effects, by experience. In New South Wales, an insurrection broke out, many years ago, in which the governor was overpowered, and sent home to Europe; and recent complaints from that quarter have been so loud, and have excited so much notice in parliament, that his majesty's ministers lately sent out a commission, to enquire into and report upon the state of that colony. In Ceylon, we have been involved in a war with the natives; and have deposed the legitimate sovereign of the country, after a bloody and expensive contest. In the Isle of France, dissentions have arisen between the chief justice and assistant judges; and vast masses of papers have been sent home by the contending parties, criminating and recriminating each other, till at length a commission has been sent out there, and to the Cape of Good Hope, as well as to Ceylon. In the Ionian Islands, there have been two insurrections of the natives, and great dissatisfaction among them still prevails. In Demerara, the president is just returned home, in consequence of a violent dispute between him and the governor. In St. Lucia, as well as in Trinidad, complaints have been made against the present system of government, and applications for a change have been addressed to the colonial department. Unless it can be shewn that similar insurrections, dissentions and discontents have taken place, within the same period of time, in those colonies that enjoy British laws and the British constitution, these instances furnish the strongest possible inducement for reverting to the old system.

Whether we consider the dangerous political consequences to Great Britain herself, or the injurious effects on the liberty, property, and happiness of her newly-adopted subjects, that result from the establishment of an arbitary system of government in her colonies, no doubt can be entertained but that British dominion and British laws, ought to go hand in hand. Great delegated powers, exercised at a distance from the seat of government, ever have been and ever will be abused, and we have no right to expect a miraculous interposition of Providence in our favour. As experience is the best monitor, so those arguments are the strongest which are supported by example. Jamaica and Trinidad were both captured from the Spaniards. Commissioners were sent to Jamaica, as well as to Trinidad, to frame laws and a constitution for the government of the colony. In Jamaica, as in Trinidad, the commissioners quarrelled among themselves, and agreed in nothing. Governor succeeded governor, experiment followed experiment, but discontent, tumult and misery prevailed; till at length British laws and the British constitution, and with them happiness and prosperity, were established in the colony. To borrow from Mr. Burke a beautiful passage, applied to a similar occasion, "From that moment, as by a charm, tumult subsided, obedience was restored, peace, order and civilization following in the train of liberty. When the day star of the English constitution had arisen in their hearts, all was harmony within and without."

——Simul alba nautis
Stella refulsit,————
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit

The history of the Roman empire completely elucidates the different consequences of establishing a free or an arbitrary government over *colonies*. During the virtuous ages of the Republic, the provinces and colonies were governed on the former system; "and in their internal policy they formed a perfect representation of their great parent."* As the senate of Rome was chosen from the *patres conscripti*, so the senates of the provinces and colonies were chosen from the *decuriones*, or tenth part of the people, who were selected as being eligible to that office. Their municipal corporations, formed after the perfect model of the capital, were entrusted, under the immediate eye of the supreme power, with the execution of the laws. The Republic gloried in her generous policy, and was frequently rewarded by the merits and services of her adopted sons. Domestic peace and union were the natural consequences of the moderate and comprehensive policy embraced by the Romans. The obedience of the Roman world (which according to Voltaire's enumeration, contained 107 millions of inhabitants) was uniform, voluntary and permanent. "The vanquished were blended into one great people; resigned the hope, nay even the wish of resuming their independence; and scarcely considered their own existence as distinct from the existence of Rome. The established authority of the empire pervaded, without an effort, the wide extent of her dominions; and was exercised with the same facility on the banks of the Thames or of the Nile, as on those of the Tiber,"† When the imperial government was established in Rome, a new order of things soon took place in her provinces and colonies. The emperors found it necessary to gain the popularity of the Roman citizens, by shows and games of the most magnificent and costly description; and at length by exempting them from all taxation. They were also obliged to make vast donations to the armies, who soon felt their power, and considered the emperors as the creatures of their will and the instruments of their licentiousness. To provide the means of this expenditure, they violated the rights of their provinces and colonies. They levied a land-tax, a capitation tax, and heavy contributions in corn, wine, oil and meat, for the use of the court, the armies and the capital. The annual contributions raised in the Roman provinces, according to the calculation of Mr. Gibbon, seldom appeared to be less than 15 or 20 millions of our money. He states, that in the lucrative provincial employments, the ministers shared with the governors in the spoils of the people;"* and that "the governors, or rather the monarchs of the conquered provinces, uniting the civil with the military character, administered justice as well as the finances, and exercised both the executive and legislative powers of the state." The same historian also tells us, what were the consequences of introducing this new system of arbitrary government into the dependencies of the Roman empire. "It was of little moment to the provinces, under whose name they were oppressed or governed. They were driven by the impulsion of present power; and as soon as that power yielded to a superior force, they hastened to implore the clemency of the conqueror." In short, instead of being the barriers of the Roman empire, they opened their gates to her invaders. The system of free colonial government, be it remembered, accompanied the rise and prosperity, but that of arbitrary colonial government the decline and fall of the Roman empire.

Far different opinions from those of his majesty's ministers, on the comparative merits of the British and Spanish colonial systems, are entertained by very able and impartial judges. An eminent modern writer on these subjects, the originality, force and truth of whose sentiments, supported and illustrated by examples as well as arguments, have justly attracted the attention and admiration of Europe, says "If we would name a power useful to her colonies, and to whom colonies are useful, we should name Great Britain. If we would name one to whom colonies are useless, and who is useless to her colonies, we should name Spain. To what cause does he attribute the mutual prosperity of Great Britain and her colonies? To her free constitution, in which they participate. "All the European powers," he says, "have established their own form of government in their colonies. Thus despotism and arbitrary power have been the portion of those belonging to the

* Gibbon, vol. 1, p. 55.
† Gibbon vol. 1, p. 69.

* Gibbon, vol. 1, p. 101.

nations of the South; liberty has been that of the colonies belonging to Great Britain. The British colonist has indeed to regret the loss of his native soil, but not of the government which endears it to his recollection; for at whatever distance he is placed from his country, he still enjoys its laws and constitution. In the West India colonies and Canada, the colonist is his own legislator, and possesses all the rights and privileges of a British subject. This is a powerful bond of union, which leaves little room for dissention between the mother country and her colonies. How different is the lot of the colonies belonging to other European powers, who, having no legislature of their own, suffer from the ignorance and instability of their rulers, as well as from the distance to which they must make their wants known, and their complaints heard. Such a state of things is grievous to the colonies, and embarrassing to the mother country. How much time and pains are necessary to convince men in other climes of the true situation of affairs in the colonies! How much perseverance is necessary, to overcome the difficulty of breaking through established systems, to fix attention upon interests so remote, and to obtain justice against the protegés and favourites of those to whom complaints must be addressed! Such is, however, the state of every European government, Great Britain excepted; and thus disaffection towards the mother country increases in proportion to the strength of the colonies, and the diffusion of knowledge; more especially since the successful example of the independence of the United States of America."* Mr. Burke says, that we are bound by every idea of political equity, to extend, as much as possible, the spirit and benefits of the British constitution, to every part of the British dominions. One of our best writers on colonial policy, thus expresses himself on the advantages of establishing the British constitution in our colonial possessions. "The constitution of the British colonial government in North America, is formed upon the model of that admirable system of domestic policy, which has secured the happiness of the mother country; raising her to an unexampled height of prosperity, and notwithstanding its theoretical defects, left her in a state of envied tranquillity and solid practical freedom, amidst all the political experiments and convulsions that have shaken the other nations of Europe. The governments of the British West Indies, are constructed upon the same excellent plan." The same writer reprobates the colonial system of Spain, in the following decisive and energetic language. "The system of law and policy is worse in Spain than in any civilized nation in Europe; the security of property is less firmly established, the corruption of judicature more frequent, the privileges of municipal judicature more extensive, and more incompatible with the freedom either of person or trade."* "A policy has been adopted with respect to the colonies, if possible, still more iniquitous and absurd than that plan of domestic administration which we have been contemplating."† A writer already referred to, equally distinguished as a statesman and a philosopher, has left his recorded testimony in favour of the old system of British colonial legislation. "The ancient system of the British empire was a happy one, by which the colonies were allowed to govern and tax themselves. Had it been wisely continued, it is hard to imagine the degree of power and importance in the world, which that empire might not have arrived at. All the means of growing greatness, extent of territory, agriculture, commerce, arts, population, were within its own limits, and therefore at its command."‡ Having thrown away all these advantages in one instance, and lost our colonies in North America by the experiment, what infatuation is it to repeat the attempt in our remaining possessions.

It was not my intention to have touched on this subject, till the petition now on its way from Trinidad had been laid on the table of this House: but I could not so far suppress my feelings, as to remain silent on the present occasion. Indeed, I am not aware that a petition from the inhabitants of any colony is necessary as the foundation of a motion for a commission of inquiry. On the contrary, the last commission sent out, that to New South Wales, was in consequence of the statements made in this House by the hon.

* Des Colonies, par M. de Pradt, Tom. I, p. 366.

* Brougham's Colonial Policy vol. 1. p. 410.

† Ibid. vol. 1. p. 412.

‡ Franklin's Correspondence, vol. 2, p. 80.

member for Shrewsbury. I was lately present at an entertainment given in this metropolis, to the minister plenipotentiary of the government of Columbia; and I never witnessed a more spontaneous and ardent effusion of public opinion, than was displayed on that occasion. Men of all political parties joined in expressing their congratulations on the triumph of freedom over despotism; and if the inhabitants of South America, trained up as they have been in habits of submission to arbitrary power for three centuries past, found the Spanish yoke so insupportable, that they have risked all that is dear to man to shake it off, I ask whether this is a form of government that ought to be continued among British subjects? I trust that every man who has British feelings in his breast, will answer no; and will vote for the amendment proposed by the hon. member for Montrose, of extending the commission of inquiry to Trinidad.

Mr. *Goulburn* denied the correctness of Mr. Marryat's statements, and pledged himself that papers should be laid on the table, early in the ensuing session, which should fully disprove them. He entered his strong protest against the claim of what was termed the British constitution, and British law, for Trinidad. In a country like this in which we lived, where all the inhabitants were equal in the eye of the law, no system of government could be better adapted to promote the happiness of the community; but, unhappily, this was far from being the case in the West Indies. And in our Slave colonies, the effect of the British constitution, as it was called, wherever it prevailed, was to throw the whole power into the hands of the white oligarchy, to the exclusion of every other class from the enjoyment of the advantages of that constitution;—so that its boasted benefits were confined to a twentieth or thirtieth part of the whole population, who were thus enabled to tyrannize over the rest. In Trinidad there were about 3,600 whites of all ages, and both sexes; but in the same island there were about 14,000 free persons of colour, many of them persons of property; and nearly twice that number of slaves. Now, the Spanish laws secured certain privileges to the free people of colour, and to the slaves, which they did not enjoy in colonies governed by what was termed the British constitution and British laws;—so that, in giving the boon that was demanded to a fraction of the population, we should be inflicting a serious injury on the great mass of the community. There were serious difficulties, he admitted, in altering the form of government that had been improvidently granted to our old colonies—a form of government certainly ill adapted to the unhappy peculiarities of their case; but he could not consent that any farther extension should be given to this evil; and whenever the proposition of the hon. gentleman with respect to Trinidad should be brought forward, he would give it his most determined resistance, as a proposition fraught with cruelty and injustice.

On the motion of Mr. Wynn, the debate was adjourned till to-morrow.

HOUSE OF COMMONS.

Friday, July 26.

SUPERANNUATION ACT AMENDMENT BILL.] On bringing up the report on this bill,

Mr. *Calcraft* said, that if the bill was made optional towards the present holders of office, and only compulsory in future, he would withdraw his opposition to it. His principal objection to the bill was, that it imposed a partial tax upon persons who had never contemplated it when they first entered upon their situations. Many of them had insured their lives, and they would in future be bound not only to pay the annual premium, but an additional 5 per cent. The House was dealing with a class of persons who had discharged no trivial duty to their country, and who had not been by any means overpaid. To the principle of superannuation prospectively, he had no objection. The salaries of the public officers had been reduced; yet even from this lessened amount a farther sum was now to be abstracted. It would be merely just, that those who quitted office should be allowed to recover back what they had contributed without receiving the slightest advantage. The case was one of great hardship and oppression. He had never met with a man who did not think the bill in principle most unfair. After referring to the correspondence of lord Sidmouth and Mr. Hobhouse, against the bill, the hon. gentleman contended, that it broke faith with the public servants. The project was founded only on expediency, and it was to be enforced because the persons who were to suffer were weak and defenceless. The right hon. gentle-

man and the noble marquis were turning their men in office against their clerks in office, by requiring the votes of the former on behalf of this odious and cruel bill. The whole economy to be effected was not more than 100,000*l.* a year. A saving of greater extent might easily be made elsewhere; nay, the whole sum might be obtained at once by a review of the transactions of the government with the Bank of England.

Mr. *Canning* considered the bill in principle as objectionable as any measure that had been ever brought forward: it was most unfair to subject any particular class to peculiar taxation. In the arrangements of the measure there was a clear breach of faith. He did not say that it was not in the power of the Crown to reduce the salaries of its official servants without the aid of parliament; but for this House to originate such a plan was in direct opposition to the address of the last session, and could be looked upon only as a species of parliamentary taxation. The bill was obviously a breach of faith towards all who, since 1810, had devoted themselves to the public service, on condition of receiving the benefits which the act of that year held out. He would put an individual case—that of a young man of the highest promise and of most respectable birth, but deprived of his father, who at a time when he was obtaining the honours of his college, and had every prospect of distinguished preferment in the church, was induced to accept a public situation under the Crown on the conditions of the statute of 1810. On those conditions he had relied; but he was now to be told that they were not to be fulfilled—that a large part of his emoluments was to be taken from him. This bill would be to him a grievous injury. It was impossible to know how many individuals had quitted the law, the army, or the church; under the faith of the act of 1810. This bill might also be considered an invasion of the rights and powers of the Crown. Besides, if a man were removed from office, he would lose all he had contributed to this fund: it would really be nothing short of pillaging him to turn him out of his place without returning the money he had annually paid. He saw no remedy for this objection, but by defining in the bill for what faults a man should or should not be dismissed, and under what circumstances he should or should not be allowed to withdraw the sum he had contributed to this joint stock. The bill gave all the apparent accuracy of rule to that which could not be governed by rule. It provided not for extraordinary merit; it recognized not services, the performance of which required superior talents. In the relations between the public and their executive servants, as in the relations of private life, many things must be taken into the account, when rewards were about to be granted, which were not susceptible of legislative interference. He would therefore, in the first instance place the extent of reward in the discretion of the Crown, and next in the high official servants of the Crown. He would not attempt to confine that discretion within legislative limits. It was a vain endeavour to define those shades of merit which were almost too minute for human observation, and infinitely too nice for legislative enactment. Having stated his sentiments on the measure, he did not mean to proceed further. In the present state of the session and of the House, it would be vain to hope for effectual resistance to the bill. He had repeatedly expected the discussion to come on, and though he did not like to sit up so late at night as some of his hon. friends, yet he had regularly attended in that hope. The bill had been put off twenty-seven times, and it was no very pleasant thing to go 27 days without a dinner. He believed the measure originated in a laudable desire to meet public opinion; but if it were passed, it would not, he was convinced, satisfy the public mind.

The *Chancellor of the Exchequer* said, that the bill in question was founded on an address which had been agreed to by both Houses. Its object was to bring the salaries of the different public offices as near as possible to the standard of 1792; but in doing this he was most anxious to avoid making any sudden reduction, or, indeed, any reduction which was likely to be felt by the parties. The arguments of his right hon. friend, if good for any thing, would go to prove, that when once a person obtained a situation in a public office, it was no longer in the power of the Crown or of parliament, to reduce or qualify that office in any way. Such a principle, if once introduced, would go to confound vested rights arising out of grants for life, with contingent and general expectations from the present occupation of a public office;

whereas, it was known, that those offices were distributed, subject to every change of circumstances, and every variation or alteration in public departments. But, if it was unjust to reduce the salary of an individual in a public office, how much more unjust was it to dismiss him? And yet, in no case was it denied, that the Crown, or the ministers of the Crown, had a right to dismiss the persons under them, if they so thought fit. How, then, if this greater power was admitted, could the lesser be denied? But in this case the hardship was not of the extent insisted on. The greater portion of the persons affected by this bill had been appointed before the augmentations in the salaries had taken place; they, of course, had no expectation whatever of receiving the large salaries which they now enjoyed; and therefore, the argument of his right hon. friend did not apply. His right hon. friend had also objected to this bill as imposing a partial and unequal tax. But how could the operation of this bill be so considered? It was admitted, that government had a right to dismiss these persons from office; why not, then, a right to reduce their salaries? And the more so when the proposed reduction was not altogether taken away, but applied to their own advantage. The augmentation of the salaries in public offices took place during the existence of the property tax. That tax took 10 per cent from the clerks in public offices. The greatest portion of the augmentations took place with a view to meet that reduction, and also the increased price of the necessaries of life. Now the salaries were continued, but the property tax was removed; and the present bill only called upon the persons holding those salaries to pay one half of what the property tax took from them, which half (or 5 per cent) was to be applied to their own benefit. On this ground, therefore, he did not see how the bill could be called a hard or partial measure. On the contrary, he thought it was a much more lenient measure than that proposed by the hon. member for Aberdeen, who wished to take 25 per cent off the salaries of all persons in public offices.

The Marquis of *Londonderry* assured the House, that he had never felt a more painful duty than that imposed upon him by this bill. The House had appointed a committee to inquire into all public offices, and that inquiry had continued its sittings for upwards of three months. The committee having come to a decision, it was not now for parliament to turn round and quarrel with the details of that principle which they had so strenuously advocated. The noble lord went over the arguments urged by the chancellor of the exchequer, with respect to the causes which operated to produce the rise of salaries in the different public offices. The whole of the circumstances induced government to bring back those salaries, as nearly as possible, to what they were in 1792. The doctrine of his right hon. friend, would go to give the persons now employed in public offices a vested right, a kind of freehold, in the offices which they held. If this notion of vested interests and freehold rights were to go forward, then there must be an end of legislation: these rights and interests would meet them at every turn, and put a stop to every measure however beneficial or necessary. He admitted that his feelings had been severely hurt in the course of this inquiry; but nevertheless he must protest against the course pointed out by his right hon. friend. Why should the public offices be conducted on a plan different from private concerns? If a banker or private merchant wished to remove a clerk, or to lower his salary, he did it at once. Now, would any man contend that that clerk would have a right to turn round and say, "I gave up a fellowship at College, and a place in the church, to accept of your clerkship, and therefore you ought not to dismiss me?" If any hon. member on the other side were to bring forward a motion of this kind, and he (lord L.) were to meet it by saying that the salaries in the public offices were vested rights, were a kind of freehold, and could not be tampered with, it would be scouted. The question naturally divided itself into three points; namely, the salaries of office, the scale of emolument, and the act of superannuation. With respect to the salaries, there were but little deductions to be made except in the higher classes of office. Remarks had often been made in that House respecting clerks holding 700*l.* and 800*l.* a year; it had been stated that clerks came down to their offices in their tilburies. In consequence of these complaints, it became the duty of ministers to institute an inquiry, with a view to regulate a fair but graduated scale of remuneration to persons employed in public offices. They were all duly convinced of the great services rendered to the public by the clerks in the different

departments; but they were bound to enter upon the inquiry, and that duty overcame every other consideration. In adopting a scale of remuneration, they had taken care to arrange the emoluments so that they should not overshadow the salaries. He would give an instance. In his office there were persons holding salaries of 240*l.* a year, but their emoluments from length of service and other circumstances amounted to 400*l.* a year. This overshadowing of the salary by the emoluments would be remedied by the proposed bill, which established various classes of service. The hon. member for Aberdeen might ask, "why not put an end to this complicated system by at once giving adequate salaries?" To this he answered, that the thing was as broad as it was long, with regard to the public expenditure; but it was a very different case as it regarded the individual employed. The very fact of having a prospective increase of salary, would produce a moral effect upon the young man's character: he would be anxious to exert himself when he found a certainty of having those exertions rewarded: he would find that a provision was to be made for him in old age—a provision which he mainly contributed to, but which was aided and supported by that public who were satisfied with the propriety and correctness of his conduct. But let it be taken the other way—the whole burthen would be thrown on the public; whereas they wished that the public should merely aid and countenance the economy of the individual. Upon this ground it was, that ministers had acted. In the event of any removal from office for improper conduct or inefficiency, the parties should, he thought, be allowed to receive back the principal vested by them, subject however to the decision of the Treasury in extraordinary cases. This he conceived would meet the objections of his right hon. friend. He would not be guilty of the insincerity of saying that ministers were volunteers in entering upon this question. The subject had been pressed upon them by the hon. gentleman opposite; and he now hoped that after advocating the principle of that question, those gentlemen would not turn round and quarrel with it in detail. He should be sorry to support any act of injustice, on the ground that it would make a saving of 100,000*l.* a year to the country; but he hoped that those gentlemen who had said so much about lay lords of the Admiralty, and joint-postmasters-general, would not be so high minded as to reject even such a trifling saving, when it was shown that it could be made without injury to any class of the community. [Hear, hear!].

Mr. *Hume* agreed, that the speech of the right hon. gentleman (Mr. Canning) was one of the most extraordinary he had ever heard. That right hon. gentleman was undoubtedly capable of clothing any opinions he entertained in language which was calculated to produce a considerable effect; but he was much deceived if the speech he had made that night had carried conviction to the mind of any man who heard him. To contend that because an individual made a selection between the church and the public offices, his majesty's ministers were therefore precluded from making any change in the scale of salaries was a most monstrous and absurd principle. Since he had sat in that House he had never heard a more constitutional and consistent address than that which had just been delivered by the noble marquis. He concurred entirely with the noble lord as to the right of the Crown to regulate the salaries of public officers, and the necessity of doing away with the idea of any vested interest in their situations, which those officers might conceive they possessed. The noble lord had stated most fairly, that it was the duty of government to do away with the idea that persons in public offices had any claim to remuneration after any number of years. He (Mr. H.) thought the present bill did not go far enough, and that it would not answer the expectations of the country; but if the argument of the right hon. gentleman proved any thing, it would prove that government had no right to make any reduction at all. The present bill was objectionable, since it raised a new fund, and involved some complex operations; and he would put it to the gentlemen opposite, whether it would not be better to give up the bill, and proceed at once to a reduction of salaries, at the rate of 15 per cent, which was proportionate to the alteration in the value of money.

The report was received, and the amendments agreed to.

COLONIAL COMMISSION OF INQUIRY.] The debate being resumed,

Mr. *Wilmot* hoped, that the hon. gentleman would withdraw his amendment, for extending the commission to Trinidad.

He had already pledged himself to produce papers; and was ready to give every facility to the full elucidation of the subject.

Mr. *Hume* said, he had full confidence in the sincerity of the hon. gentleman, and would agree to withdraw his amendment.

The address was then agreed to.

HOUSE OF LORDS.

Monday, July 29.

ALIENS REGULATION BILL.] The Earl of *Liverpool*, on moving the order of the day for the third reading of this bill, begged to state as shortly as possible, the reasons which induced ministers to propose a coninuance of this measure. He held it as a maxim, that a strong distinction should be drawn between those who owed a natural allegiance to the country, and those persons whose allegiance here was temporary, and who owed a natural and permanent allegiance elsewhere. He was aware that the great charter of our liberties provided for the protection of alien merchants trading to this country. But this was a protection granted, not for the benefit of such alien merchants, but for the benefit of this country. And why? Because this country derived great advantage from the trading of those alien merchants, and unless such special protection was granted to them, the king, by his prerogative, might send them out of the country. But if it was the right of an alien not to be sent out of the country against his will, what need of such a provision in the great charter? The exception in this case established the principle upon which this bill was founded. It was a measure in perfect conformity with law and justice, and there was nothing in the Statute book against it. It might be said that this was a prerogative of the Crown, and that there were not many instances of its having been exercised. There was, however, an instance in the reign of queen Elizabeth. The case was that of a foreigner who had been accused of uttering defamatory language of the government. A doubt arose as to whether the language had been used in this country or abroad; the matter was referred to the privy council, who decided, that if the language was used in this country, the party ought to be proceeded against according to law; but if the words were used abroad, then he should be sent out of this country. It might be asked, then, why any special measure was necessary? He answered, that it arose, out of the difficulty of exercising the common law right. The alien bill had not originated in time of war, though war was then thought highly probable in the end of 1792. It had originated in the state of France, and the number of foreigners who flocked to this country. The question was whether, in the present state of the world, it was fitting that this power should be withheld from the executive government? He thought that one of its strongest recommendations was, that it was likely to prevent disputes with foreign powers. It was a right to be vested generally in the Crown, and it was not directed against any particular state. Looking to the condition of the world in general, to the revolutions pending and completed, without at all considering which party was right or which was wrong, it was equally proper that a power should be enjoyed by the executive to prevent this kingdom from being the general receptacle of the discontented. Buonaparte had once claimed that the British government should send away the French princes. The demand was refused; but it was added, that though they would be entertained on the ground of hospitality, they would not be allowed to make this country the theatre of plots and machinations. His conviction was, that as far as the public securities were concerned, foreigners would be disposed to invest their property in our funds, in proportion to the means taken to promote the general tranquillity. The fair question was, whether for the sake of the internal and external peace of the country, this bill ought not to be adopted.

The Earl of *Darnley* opposed the bill, which he characterized as a most disgraceful and useless measure.

Lord *Holland* could not retire from the House with satisfaction at the close of an anxious session, if he did not do all in his power to resist a bill which, in all points of view, was objectionable: "monstrum nulla virtute redemptum." He had trusted that the new secretary of state for the home department, after he was once warm in his seat, would have felt himself and the country sufficiently secure to have allowed a law so odious to expire. The very terms of preceding alien bills showed that they were grounded solely upon peculiar circumstances, and the ministers who had brought them forward had rested

them upon temporary expediency and necessity. The preambles of former bills represented that they were called for by the number of individuals daily arriving in this country; but, at this moment, every day produced a new moan, that the king's subjects were abandoning it in shoals. The noble earl had contended, that the measure was likely to promote peace; yet it was a singular fact that we had been at war during nearly the whole existence of alien bills. He had also noticed, in reference to the present reigning family of France, the use which he had made of the alien bill at the peace of Amiens; but if it had not been upon our Statute-book, the noble earl could have given a much better answer to the then first consul. Buonaparte had complained also of the libellous publications against him in this country; and the noble earl, in this instance, had been able to reply that the publishers only could be punished through the intervention of a jury. Until this inhospitable measure was first adopted in 1792, Great Britain had been able to assert that she was free, and that she opened her arms to all foreigners. Such had once been the reply of the States of Holland, when king William required that Bayle should be banished. Either the prerogative did or did not exist in the Crown: if it did, this bill was needless, and if it did not, it was not to be denied that until 1792 the country had thriven without it. He doubted the applicability of the case referred to by the noble earl in the reign of Elizabeth. If the king were to exercise this prerogative, the proceeding could not be so summary, as by the bill: an interval would be allowed for explanation: the person accused would enjoy the right of making his case known, and appealing to a jury consisting of half foreigners and half Englishmen. In the range of his acquaintance, he had known many who had refused to take up their abode in England, because they dreaded the exercise of the odious powers given by this measure. The case of M. Las Cases was one of foul abuse. Supposing the right to seize in St. Helena on the slightest suspicion, still the subsequent proceedings had been unjustifiable. Being sent 500 miles up the country at the Cape of Good Hope, he had been able, from memory, to write the history of his life, and to record much of what had been taken from him; and above all, the conversations of that great man whom he had long served, and whose conversations would live ages beyond the date when such arguments as those of the noble earl were utterly forgotten. When he reached our shores, not only was he not permitted to land, but his papers were seized in a manner that was little short of downright robbery. True, they had been afterwards restored to him; but in the first instance there existed no more right to take possession of them than to take possession of any British subject's private memoranda. He (lord H.) had not thought it for the advantage of M. Las Cases to have the subject mentioned in parliament at the time. To him it appeared wiser that Las Cases should wait to see whether government would restore to him his papers; which they had since done, and in the handsomest manner. On the last occasion upon which the necessity of such a measure had been insisted on, the ground taken was, that it was required by the then situation of the world. But that situation was acknowledged to have become entirely changed. The noble lord said that this was a measure of protection. If ours were an arbitrary government, there might be some use and some consistency in talking about protection. But he knew of no other protection which ministers ever could have contemplated, unless it were, that after that great and extraordinary man with whom they had so long contended, was sent over a vast expanse of ocean into solitary and unhealthy confinement, it was found necessary to guard against him, in exile and imprisonment, by a suspension of the British constitution—by assuming a power of this extraordinary nature as a security against that great man, of whom he (lord H.) had heard those who loved him least but knew him best, declare, that he was the most extraordinary character who had appeared in the world during the last thousand years. For his own part, he would not hesitate to say, that he participated in that general sentiment of grief and regret with which the intelligence of his death had been received by every admirer of fallen greatness all over Europe: But when he considered the lingering kind of death to which that mighty individual had been condemned (if not by his majesty's ministers, at least by those acting under them), that sentiment of sorrow and compassion was changed into one of a very different character. It was some consolation at least to recollect that

they who, either by permission or by omissions, had contributed to cast this indelible stain upon the fair fame and honour of the country, would have a better foretaste in the general abhorrence and execration with which the treatment of that departed and extraordinary person had been viewed and remarked upon, as soon as the intelligence of his death had been made known — of the manner in which their conduct would be transmitted to the latest posterity. This language might not be very philosophical; but on such an occasion it was impossible to repress his feelings. But, this distinguished individual was now gone: this "gunpowder Percy" was no more; and surely the noble earl would not contend that it was necessary to protect us against his ghost. Of what, then, were they apprehensive? The noble earl said, the adoption of the bill was the way to preserve peace. How? was it by exerting great activity in order to discover if any Frenchman, while he was walking the streets of London, was plotting to deprive France of the great blessing conferred upon her by placing Louis 18th on the throne? That could not be accomplished without previous communications with the French government, to ascertain who were the individuals suspected.—But, let their lordships look at the practical effect of the measure in another direction. Let them consider the present condition of the Greeks. Did the noble earl mean to say, that any Greek who fled to England from the misery inflicted by the Turks on his unhappy countrymen, and who was suspected of being active in the dissemination of principles calculated to rescue his native land from despotism, would be a fit object for the powers granted by this bill? If so, he would declare that such a principle was repugnant, not only to the principles of humanity and justice, but to the immediate interests of this country. He would not enter into the extensive field of discussion which the mention of this subject opened; but he would say, that however inclined he was to the maintenance of peace and neutrality, no man would exult more than himself, at the rescue of those beautiful provinces from the arbitrary power under which they had for 300 years groaned. It had been the uniform opinion of all our great statesmen, that no country was more interested than England in the expulsion of the Turks from Europe. One of the greatest writers which this country had ever produced, and who was a secretary of state also—he meant Mr. Addison—had said, that to conceive that the existence of the Turkish power in Europe was necessary, directly or indirectly, to our greatness, or that England was not absolutely interested in the downfal of that power, was the *ne plus ultra* of absurdity. One of the greatest objections which he had to the bill was, that it gave countenance to, if it did not actually aid and abet the objects of the holy alliance. He really had hoped that government would not again call upon a British parliament to pass this bill. Whether we viewed Europe as politicians or as philosophers, it was evident that a great contest was going on between the friends and the enemies of improvement. Through peace and war this contest had for some years been going on. The advocates for improvement had succeeded in one great division of Europe. Under such circumstances, it would have become British statesmen to adopt and pursue some settled plan of honourable policy, suited to so peculiar a state of things. But of all possible courses, that of giving assistance, or, indeed, mere countenance to those governments who set their faces determinately against every kind of improvement, was the most disastrous, the most foolish, and the most wicked. Such a line of conduct would, indeed, confirm the belief entertained by the people of the continent, that the British government was one of the links of that great chain which bound down the liberties of Europe from one end of it to the other. Whether that was so or not, if the effect of the present measure was to produce the belief in men's minds, it was deeply to be deplored, and parliament was called upon to counteract it. Much as he deprecated and detested the various oppressions to which this measure might lead, his greatest objection to it was, that it seemed to form a part of that system to which he had already alluded. He called upon their lordships not to give their sanction, by passing such a measure, to the laying of one stone upon that guilty fabrick which foreign despots were attempting to erect upon the ruins of the rights and liberties of their subjects.

The question being then put, that the bill do pass, the House divided. Contents 22. Not-Contents 6. Majority 16.

PROTESTS AGAINST THE ALIENS REGULATION BILL.] The following protests were entered on the Journals:

"Dissentient: 1. Because the bill is cruel; for even when not perverted to any improper purposes, it may deter the victims of civil or religious persecution abroad, from seeking refuge under the laws of a free country.

2. "Because the bill is unjust. It exposes all resident Aliens (such even as may have settled here in consequence of no such law existing at the time) to actual punishment without trial; and it condemns even the most unsuspected among them to an evil, greater than most punishments, a dependance on the arbitrary will of one man.

3. "Because the Bill is unnecessary, there being no unusual resort of strangers to this kingdom, and no apprehension, real or pretended, that individual foreigners either possess the means or harbour the design of disturbing our internal tranquillity.

4. "Because the Bill is unconstitutional. It creates a power liable to abuse, and unknown to our laws; and arbitrary authority has always been thought to degrade those who are the objects of it, and to corrupt those who possess it, and thereby to lead to tyrannical maxims and practices incompatible with the safety of a free people.

5. "Because the Bill is impolitic. It discourages the employment of foreign capital, and the exercise of foreign ingenuity in our country, and obviously tends to embroil us, with other Courts of Europe, by rendering the residence of any obnoxious individuals among us, an act of the State, and no longer a consequence of the hospitable spirit of our municipal laws.

VASSALL HOLLAND.
ROSSLYN.
THANET.

"Dissentient: Because, by this Bill, the Secretary of State is authorized to convey an Alien to any foreign port, and there to deliver such alien into the hands of his mortal enemies—to subject him to perpetual imprisonment, to corporal punishment, to torture, or to death.

GAGE.
VASSALL HOLLAND.

"Dissentient: Because I should have thought it exceedingly hard, had I done my duty, and opposed the invasion of revolutionary France to the utmost of my power (as I have always understood an Englishman should), and failing, had escaped to America, to have been sent back to London, to be shot or hanged, drawn and quartered, for my patriotism.

GAGE.

"Dissentient: Because the Bill confers an arbitrary power, which may be employed to promote the views and secure the authority of foreign and tyrannical governments, and even if not so employed, may yet be considered by them as intended to serve such purposes. In either case the measure appears to us injurious to the character and interests of Great Britain, and hostile to the liberties and welfare of mankind.

ROSSLYN.
VASSALL HOLLAND.

HOUSE OF COMMONS.

Tuesday, July 30.

BRITISH COMMERCE—PIRATES IN THE WEST INDIES.] Mr. *Marryat* rose to present a petition from certain ship-owners of London, complaining that British shipping was not sufficiently protected in the South Sea. It appeared that the governments of Chili and Peru were at present at variance, and each had declared the coast of its enemy in a state of blockade. The vessels of Great Britain were thus placed between two fires; and the consequence was, that many of them had been captured by each of the hostile parties. The books at Lloyd's exhibited numerous proofs of the depredations committed upon British commerce. The Lord Collingwood vessel had been captured and condemned at Porto Rico. The causes assigned for this proceeding were, that the vessel was trading in the South Seas without a license from the government of Spain; and moreover that it was carrying on trade with the enemies of that government. Another great source of injury to British commerce was, the pirates who infested the West Indies. The hon. member read a description of the treatment which a British vessel had received from a piratical cruiser. After stripping the vessel of every thing valuable, and making the captain deliver all his money, the pirate cut and destroyed all the rigging and left her. The pirate, however, afterwards returned and demanded more money from the captain, who not being able to furnish them with it, was dreadfully wounded by their cutlasses, and afterwards hung up to a part of the rigging by a rope tied round his

neck; but his hands being left at liberty, he contrived to slip the knot under his chin, and thus saved his life. Others of the British crew experienced similar barbarity. He was sorry to say that he understood no attempt was made by the British vessels of war to destroy these pirates in their strong holds, which were perfectly well known to our cruisers. The Americans only showed a disposition to put down the pirates. In many instances the Americans had captured British vessels which had been previously taken by pirates, and restored them to their owners. It would seem, however, that this country was actuated by a different policy. The English schooner Despatch having been captured by a pirate, and afterwards retaken by a Spanish vessel, application was made to rear-admiral Brown to have the schooner restored to its original owners: In answer to this application admiral Rowley stated, that he could not interfere to obtain restitution of vessels (although originally British) which had been captured whilst sailing under a piratical flag. This was in direct opposition to the policy pursued by America, who acted upon the principle that piracy and murder could give no title to property. The doctrine of rear-admiral Rowley appeared to be this—that vessels captured under a piratical flag became the property of those by whom they were taken. But how would this apply to the case of British vessels captured by pirates, and retaken by admiral Rowley himself? Was it meant to be contended, that vessels taken under these circumstances should belong to admiral Rowley? Which was the legal principal he would not attempt to decide; but no doubt could be entertained which was the most disinterested and liberal. In this case, all nations ought to make common cause, and give protection to each other against the common enemies of mankind.

Sir *G. Cockburn* said, that in the instances in which America had restored vessels, they had just before been taken by the pirates. The schooner Despatch had been acting as a pirate before it was captured by the Spanish ship. Our admiral had no right to interfere. Most of the vessels which came under the description of pirates were prepared with regular commissions from recognized belligerent powers. It was said that the American vessels pursued the pirates into their strong holds. The reason of this was, that the keys lay on the American coast. If our vessels had the same opportunities as the Americans, they would be found equally active in putting down the pirates. Government had made every exertion to protect our shipping. Instructions had been sent out to our commanders, authorizing them to go even beyond the limits which the civil courts would warrant. With respect to convoys, government felt a difficulty in ordering our vessels to give convoy, because it might involve us in wars. This country was only restrained from taking what the hon. member seemed to consider effectual means of protecting our shipping, by a desire not to infringe the rights of other nations, as well as to preserve our own inviolate. With respect to the blockades which had been declared in consequence of the quarrels which had arisen among the rising states of South America, this country had no right to interfere. Every thing, however, had been done by our navy on the coasts of Peru and Chili for the protection of British vessels. By negotiation alone, government had obtained the release of all British vessels which had been seized, and he would say justly seized, upon those coasts. But the hon. gentleman wished us to imitate the conduct of America. Now, what had been the result of the course pursued by America? It appeared by the last despatches that American vessels had been forbidden to enter Lima. What would have been said if this country had adopted a line of policy which would have involved us in a quarrel with those rising states, the result of which would have been to render them an easy conquest to their old masters? If government had acted in this manner, their conduct would have been scouted. The petitioners appeared to consult their own interests, rather than those of the country in general.

The Marquis of *Londonderry* said, that unless the petitioners suspected the government of supineness, and believed, the admiralty to be their enemies, he thought the best course they could adopt, would be to endeavour to open the eyes of the Admiralty upon the subject. He deprecated the discussions which arose upon such petitions, as tending to expose British shipping to greater risks than they at present ran. The hon. member who presented the petition desired that British cruisers should be converted into a kind of roving court of Admiralty, to adjudicate in all cases where vessels were retaken from pirates. It was said, that this

was done by America. This might be so; but he was sure it would not be long before America would see the necessity of regulating the conduct of her naval officers by her own laws. With respect to the capture of the Hebe, the Admiralty had no knowledge of it. As to the Livonia, they certainly were in possession of circumstances connected with the seizure of that vessel, and it was a case open to extreme suspicion. He was in possession of 18 cases of detention of British vessels in the Pacific ocean. In those 18 cases, there was only one instance of complete condemnation. It was said that this country might protect foreign property, by allowing the use of British papers. But if that were once permitted, where were they to stop? As to the vessels of whose depredations the merchants complained, if they were met and recognized as pirates, they would be treated as such: but it was impossible that their naval officers should carry about with them the powers of a court of admiralty, to decide what cases were and what were not piratical. The only complete case of condemnation amongst those 18 was that of the Lydia. Another vessel had also been condemned, but as some doubts arose as to the justice of the condemnation, the cargo had been sold, and the proceeds lodged in the treasury of Chili for a year, to await the event of any appeal that might be made. This showed that the Chili government did not deal with cases of this kind in that off-handed way which had been imputed to them. The Rebecca, the Catalina, the Edward Ellice, the Lord Suffield, the Washington, and the Robert, had been released. The case of the Columbia remained undecided. There were four cases of a peculiar character. These were the cases of vessels detained by the Chilian squadron under lord Cochrane. He seemed to think, because he was carrying on war against Peru, which he supposed to be subject to the colonial laws of Spain, that therefore he was entitled to deal with the property which he found proceeding thither by sea, in the same manner that the Chilian government would dispose of it if they met it on land. He would not, he said, allow the enemies of Chili to reap any benefit from the duties which the cargoes would produce, and therefore he seized them. This was a sort of law which lord Cochrane might understand, but certainly his majesty's government did not recognize it; and they had directed strong remonstrances to be made to the Chilian government on the subject. He saw nothing in the tone or temper of that government of which he had any right to complain, and he hoped they would be able to bring lord Cochrane to reason. If this government could not alter the laws of Spain, they could not allow lord Cochrane to set up a new code of laws of his own. Therefore it would be necessary to discuss with the Chilian government the question which lord Cochrane had raised. He would, under these circumstances, recommend the gentlemen who were interested in the South American trade (unless they could persuade themselves and the public that there was some supineness in the government of the country, some deficiency in adopting proper measures by the present naval administration), to exert their activity in pointing out to ministers the best mode by which those piratical practices could be removed, instead of bringing their complaints before the House; because he believed that very little practicable advantage could be derived from explanations given in parliament. Complaints of this nature led only to statements pointing out the difficulties which presented themselves in acting against the obnoxious parties. On these grounds, he hoped gentlemen would not attribute to government or to the naval administration of the country, any supineness; as he could not help thinking that, under all the circumstances, government had conducted this great and important question in a most satisfactory manner. [Hear, hear.]

Mr. *Bright* said, he could not acquit the Admiralty of supineness. It was stated, that this was a question with independent powers. He denied the fact. There were two questions: the first with Chili and Peru, which he admitted to be independent states; the second, with the pirates on the island of Cuba. The noble lord and his colleague said, "If we find out pirates, we know how to deal with them." He would ask, what did a pirate mean? Did it mean a small vessel coming suddenly out of a place of concealment, her crew armed with swords, pistols, and knives, robbing defenceless vessels, plundering their cargoes, and hanging up their crews?

Sir *G. Cockburn.*—If such a vessel had proceeded from Spain, under Spanish colours, she would not be a pirate. Spain

would have to answer for any outrage committed by that vessel. If a vessel were met, sailing under a black flag, bearing an inscription—"We are friends to plunder, and enemies to every power we come up with,"—or if a ship were discovered bearing no colours whatever, there could not be any doubt as to the course to be adopted towards her; but the case was very different when ships were sailing under a particular flag.

Mr. *Bright* said, he was then to understand, that if a vessel were provided with simulated papers, and hoisted any flag the crew thought fit to assume, she was not to be treated as a pirate, although she had committed dreadful outrages. If that were the case, there was an end of all security on the sea; for nothing could be more easy than to fit out a vessel under these false pretences, and to rob and plunder every ship that was inferior to her in force. When the crew of a vessel perpetrated acts which were unknown to civilized war, she must be considered, *primâ facie* as a pirate. This was the line taken by the Americans. Was a case of this kind to be met by fictions of law and metaphysical fallacies? Were those marauders to be allowed to destroy all the property on the sea, in consequence of some technical subtilty? They, as practical men, must look at the essence of the thing; they must examine the risk which they would run by putting down those piratical practices. Where was the difference between America and England? Why should the former do that which the latter had neglected to do? Had we vessels waiting in those particular places which were infested by the pirates? This want of energy proved the weakness, not of the country, but of the government, who ought to protect the commerce of the nation. This incipient system of piracy was of more importance than might, at first view, be imagined. The history of the Bucaniers ought to excite a strong desire to destroy the present gang of pirates, before they became formidable. The depredations committed by the vessels which hovered about Cape Antonio were directly similar to the outrages formerly perpetrated by the bucaniers. Unless the Spanish government would put down this piratical system, England must take the matter into her own hands, and deal with those plunderers as their crimes merited.

Mr. *Croker* said, that the hon. gentleman in much of his description of what ought to be done, had accurately described what the Admiralty had done. The orders given on the 23rd of March last, to the Commanding officer on the West India station, recapitulated the representations made to the court of Spain, and directed, as no answer was yet received from the Spanish government, that a ship should be sent to cruize off Cape St. Antonio, and to cut off the pirates, if it was possible, without violating the Spanish territory. The principle, that they should not suffer Spanish papers or Spanish character to cover acts of violence, and that if the Spanish government did not put down these pirates, we should ourselves do it, had been laid down from the time the government first heard of these outrages. It might be asked, why these principles had not been acted on? Was the hon. gentleman prepared to say, that without giving Spain an opportunity to inquire into the matter, we should invade her colony? The hon. member said that this was a serious matter, that it admitted of no delay, that it was a system of blood and death. And to avoid this, the hon. gentleman would at once plunge two nations, and the whole of Europe, in war. If this was his mode of preventing blood, it was fortunate that the hon. gentleman did not direct the councils of the state. The hon. gentleman wished no attention to be paid to national flags. There would never be peace in the world if every individual officer was to judge when a national flag should afford protection. The laws of nations were rules of expediency founded on international rights, and on the general utility in the majority of cases, and were not to be broken down for the convenience of a moment. In the cases in question, the difficulty was, that there was no simulation; the papers were real papers; these vessels were what they professed to be, but they abused their rights by attacking neutrals instead of enemies. The hon. member's assertion, that the states in question were at peace with all the world, was as extraordinary in point of fact, as the advice that flags should not be respected was in point of law. Spain was at war with no less than six colonies, and two of these were at war with one another. Unless a case of criminality was made out, it was better that the complaints should be made to the government than in that House. A strong proof of the weight of this government was

the fact, that in the Pacific only two condemnations of British ships had taken place; the one was a case of manifest fraud; in the other, such was the force of the representations of this government, that the proceeds were vested in the treasury to await an appeal; and instructions had in due time been given to sir T. Hardy to lodge an appeal accordingly.

Dr. *Lushington* said, it was not possible for the government, whatever might be its exertions, to protect our commerce from all inconvenience during the continuance of the present hostilities. There was now a war between Spain and her colonies, and while that war continued, our ships would be subject to the right of visitation and search, unless we denied that right to others which we vindicated for ourselves. While visitation and search might be carried on, our vessels must be subject to occasional vexation and inconvenience in the manner of executing it, and to liability to condemnation, if the laws of war were violated; for if a neutral vessel entered the port of a belligerent that was *de facto* blockaded, she was undoubtedly liable to be condemned. These mischiefs, he hoped, would always continue. The right of visitation and search was the most valuable which England possessed. He desired to see it freely allowed to other states; and if, as in the present instance, it was attended with some inconvenience to the mercantile interest, it would be infinitely outweighed by the advantage to that very interest in time of war. Another point was attended with greater difficulty, and arose out of the state of our relations with the South American States. We did not yet acknowledge them as independent states. What, then became of territorial claims with reference to those colonies, which were in this dilemma—*de facto*, the territory was in the independent states, *de jure*, in Old Spain? yet it must be the union of both characters to constitute a basis of a territorial claim. The noble lord had said that Spain was not at liberty to enforce her colonial laws, as she was not in possession of her colonies. Now, he could not but remember the case of St. Domingo. That colony was wrested from France in 1794; yet in 1803, the High Court of Appeal held that it was still to be considered a French colony.—He was most anxious to see Great Britain come forward, as early as her honour would permit, to acknowledge the independence of the South American States. He was aware there was some little difficulty, on account of the treaty which the noble lord had unfortunately signed, in which it was stipulated that we should not give assistance of a particular description to the revolted colonies, and it was moreover declared that his Britannic majesty was most anxious that they should return to their allegiance. That treaty hardly should have been signed, seeing that general Picton, as representative of this government in 1798, urged, by all the means in his power, these colonies to assert their independence; and though those persuasions did not then take effect, great part of the noble and generous courage of the inhabitants of South America had been called forth by those incitements of our government. As to Cuba, it had been said, that before any steps were taken against the pirates who harboured there, it was necessary to apply to the government of Old Spain. If Cuba was a colony *de facto* and *de jure* of Spain, then it might be necessary to make previous communications to the mother country; but if, as was the case, Cuba was governed by a government in reality not at all dependent upon Spain, though it might be right as a matter of compliment to make an application to the mother country, it would be absurd to wait long for her to do that which she had not the power of doing. We should go to the government of Cuba and say, "we presume you must have received such orders as a civilized government would give;" and if measures were not taken, the task of seizing and punishing the pirates would devolve upon us.

Ordered to lie on the table.

HOUSE OF LORDS.

Tuesday, August 6.

THE SPEAKER'S SPEECH TO THE KING.] His majesty arrived in the usual state at the House of Peers, and having taken his seat on the throne, the gentleman usher of the Black Rod was ordered to desire the attendance of the Commons.

The *Speaker* of the House of Commons, accompanied by a considerable number of members, appeared at the bar, and delivered the following speech:

"May it please your Majesty—We, your Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, attend your majesty with the last bill of supply of

a session most unusual in its duration, and in which subjects of the highest importance to the country, and I may add, too, of the greatest difficulty and delicacy, have engrossed our anxious and unwearied attention.

Your Majesty was graciously pleased, at the commencement of the session, to suggest for our early consideration, the distress under which the agricultural districts in this country were labouring, and the disorders and outrages which were prevailing through large districts in Ireland.

"Sire,—In considering the distress of the agricultural districts—a subject over which Parliament alone could have but a very partial and imperfect control—it was obvious that the only efficient relief within our reach was such a reduction of taxation as could be effected consistent with an adequate provision for the services of the state, and with a due regard to the maintenance of public credit.

"After a detailed and scrutinizing examination of the estimates for the current year, a remission of taxation, large in its amount, and we hope as considerable in its relief, has been effected by a new apportionment of the burthen arising from the payment of the military and naval pensions and civil superannuations, and by a reduction of the five per cent. annuities, one of the greatest financial measures that the history of this country can afford, and carried into execution with less of difficulty, delay, or embarrassment than could have been anticipated by the most sanguine expectations. And further, we have made such new regulations with respect to the introduction of foreign corn into the home market, as we hope may relieve the British grower from those inconveniences and losses, to which, under the former law, he might have been subject.

"In considering, Sire, the state of Ireland, we lost no time in passing such measures as seemed best calculated to restore peace and tranquillity to the disturbed districts. These measures, severe as they were, from the emergency that called for them, were enacted but for a very limited period; and when the time arrived for their re-consideration, though compelled to renew the Insurrection act, it was matter of great consolation to us, that no necessity existed for further continuing the Habeas Corpus act.

"Scarcely, however, had we concluded these painful deliberations, when a louder and more lamentable call was made on our attention.

"Famine, with its usual attendant, deadly disease, were raging in large and populous districts in Ireland, and were extending their ravages with a speed and malignity that threatened death and destruction to all around.

"This was no time, Sire, to discuss the difficulty and delicacy (as under more ordinary circumstances) of the interference of parliament with the food of the people.

"There was but one course consistent either with the feelings or with the duty of a British House of Commons—liberally and promptly to advance every supply that your majesty's confidential advisers in Ireland could conceive necessary to arrest the progress of so grievous a visitation.

"Sire, we performed this duty most promptly and most cheerfully; and we trust most sincerely that the object may be accomplished.

"It would ill become me to detail at greater length the various other subjects of great importance with which we have been occupied; but I may be permitted, in conclusion, to express a perfect conviction, that your Majesty's faithful Commons, by their unwearied assiduity of deliberation through this long and laborious session, and by their sincere and zealous exertions to effect whatever might be most conducive to the present relief, and to the permanent interests of the empire at large, have entitled themselves to your Majesty's most gracious approbation, and to the full and entire confidence of the public.

"The Bill which I have now humbly to present to your Majesty is entitled, 'An Act for applying certain Monies therein mentioned for the service of the year 1822, and for further appropriating the supplies granted in this session of parliament,' to which, with all humility, we pray your Majesty's royal assent.'"

THE KING'S SPEECH AT THE CLOSE OF THE SESSION.] After the royal assent had been given to the said Bills, his Majesty closed the session with the following Speech to both Houses:—

"My Lords and Gentlemen;

"I cannot release you from your attendance in Parliament, without assuring

you how sensible I am of the attention you have paid to the many important objects which have been brought before you in the course of this long and laborious session.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country; and I have the satisfaction of believing, that the differences which had unfortunately arisen between the court of St. Petersburgh and the Ottoman Porte are in such a train of adjustment as to afford a fair prospect that the peace of Europe will not be disturbed.

"Gentlemen of the House of Commons;

"I thank you for the supplies which you have granted me for the service of the present year, and for the wisdom you have manifested in availing yourselves of the first opportunity to reduce the interest of a part of the national debt, without the least infringement of parliamentary faith.

"It is most gratifying to me that you should have been enabled, in consequence of this, and of other measures, to relieve my people from some of their burthens.

"My Lords and Gentlemen;

"The distress which has for some months past pervaded a considerable portion of Ireland, arising principally from the failure of that crop on which the great body of the population depends for their subsistence, has deeply affected me.

"The measures which you have adopted for the relief of the sufferers meet with my warmest approbation; and, seconded as they have been by the spontaneous and generous efforts of my people, they have most materially contributed to alleviate the pressure of this severe calamity.

"I have the satisfaction of knowing that these exertions have been justly appreciated in Ireland, and I entertain a sincere belief that the benevolence and sympathy so conspicuously manifested upon the present occasion will essentially promote the object which I have ever had at heart—that of cementing the connexion between every part of the empire, and of uniting in brotherly love and affection all classes and descriptions of my subjects."

ADDENDUM.

The following will be found a more correct Report of the Speech of the Marquis of Titchfield, on presenting a Petition from Lynn, praying the interference of the House for a Remission of the remainder of Mr. Hunt's Sentence, than the one given at page 1.

The Marquis of *Titchfield* presented a petition from some inhabitants of the town of Lynn, praying the interference of the House, for the remission of the remainder of Mr. Hunt's sentence. He said, he would not trouble the House with reading the whole of the petition, but he wished to read enough of it to explain the object and motives of the petitioners in their own words. The noble marquis then read some parts of the petition, in which the severity of the sentence and the cruelty practised towards this victim of ministerial hatred were spoken of, and the case of sir Manasseh Lopez referred to as a precedent in favour of Mr. Hunt. The noble marquis proceeded to offer some observations on the subject of the petition, but in so low a tone of voice, that few of them were audible in the gallery. We understood him to say, that he was glad of this opportunity of observing, that he cordially agreed with the petitioners in the object they had in view, although he differed with them decidedly as to some of the reasons they had assigned in support of it. He certainly could not assent to any imputations against his majesty's ministers for their conduct in this matter, for he thought they had done no more than their duty in ordering the prosecution of Mr. Hunt. Still less could he participate in

any reflections upon the courts of justice. To such he would never consent to lend himself in any instance, unless supported by strong presumptions, that they had conducted themselves unworthily, and had forgotten the sacred functions they had to administer. But the same respect for courts of justice which forbad him to listen to any thing that tended to impugn their decisions, unless upon the strongest grounds, made him also exceedingly anxious that they should never become even the innocent instruments of oppression. Such an occurrence he should consider a great misfortune, and it would happen in the instance of Mr. Hunt, unless the House gave him, and he would add the court itself, the benefit of its interference. For when the sentence of two years and a-half imprisonment was awarded, it was unknown to the judges that Ilchester gaol was in the bad condition which is now discovered to have been the case; nay, more—it was believed by the judges to be in a state exactly the reverse, and was fixed upon on that very account. Could it be believed for an instant, that if the judges considered two years and a half imprisonment, in a gaol under proper regulations, a sufficient punishment, they would have awarded the same term of imprisonment, if they had anticipated, that the punishment would have been inflicted with extraordinary severity, or that there was that liability to it, which might be inferred from any one act of undue coercion or capricious restriction? He would comment as little as possible upon the conduct of a man now in the situation of an accused; but he could not help remarking, that his very defence in the case of Gardiner, where a blister had been applied to the man's head for unruly behaviour, afforded a strong presumption against him; for he owned, that he had ordered that extraordinary punishment inadvertently. If he could talk in that way, and plead a fit of absence, as an excuse for such shocking misconduct, he had certainly no right to complain of the strongest language, that had been used against him. Two years in such a gaol, might, by all accounts, be estimated as equal to two years and a half in any other, and it was upon these grounds, that he thought the House called upon to interfere; not to defeat, but to give effect to the intention of the court, that what the judges meant should be the punishment of Mr. Hunt, should be the punishment really inflicted—that and no more; and that the court should be in the same situation as if it was now to decide upon the case anew, with an accurate knowledge of the state of the gaol in question. As a matter of favour he would never have consented to an address to the Crown in behalf of Mr. Hunt, but for the reasons he had given, he considered it nothing more than simple justice. He felt sure of being quite impartial in this recommendation, because being convinced of the illegality of the meeting at which Mr. Hunt presided, and reflecting upon the circumstances that had occurred at the time, and that had occurred since, he was certainly not disposed to wish Mr. Hunt to be treated with any indulgence. But the question was simply, whether more should be meted out to him than was intended by those upon whose discretion the punishment depended. He thought there could be little doubt, that if the case had been reversed, and that Mr. Hunt had been receiving alleviations of his imprisonment, which could not have been in the contemplation of the judges, the home department would have promptly interfered, and it was the more called upon to interfere when the excess was the other way. He trusted, therefore, the ministers would pursue on this occasion, the course they took, in his opinion so properly, on the occasion of the motion in behalf of sir Manasseh Lopez, and thus render unnecessary the motion of the hon. Baronet which he should otherwise cordially support.

APPENDIX

APPENDIX.

FINANCE ACCOUNTS.

FOR THE YEAR ENDED 5TH JANUARY 1822.

I.—PUBLIC INCOME OF THE UNITED KINGDOM,

FOR THE YEAR ENDED FIFTH JANUARY, 1822.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN AND IRELAND, for the Year ended 5th January, 1822.

HEADS OF REVENUE.	GROSS RECEIPT. Total Sum to be accounted for. £.	s.	d.	Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue £.	s.	d.	NETT PRODUCE, applicable to National Objects, and to Payment into the Exchequer. £.	s.	d.
Ordinary Revenues.									
CUSTOMS, including the Annual Duties	15,205,265	1	9½	3,730,005	19	0¾	11,475,259	2	8¼
EXCISE, including the Annual Duties	32,228,649	4	2	3,287,020	3	0¼	28,941,629	1	1¼
STAMPS	7,310,474	7	5¼	456,487	15	2½	6,853,986	12	2¾
LAND AND ASSESSED TAXES, including the Assessed Taxes of Ireland	8,583,722	14	8¾	390,921	12	11¾	8,192,801	1	10
POST OFFICE	2,272,897	2	9¼	651,571	0	9	1,621,326	2	0¼
ONE SHILLING AND SIXPENCE Duty, and Duty on Pensions and Salaries	83,775	12	11¾	2,069	12	8	81,706	0	3¾
HACKNEY COACHES	26,661	16	10	1,099	10	11	22,562	5	11
HAWKERS AND PEDLARS	31,757	14	6	5,837	4	3	25,920	10	3
POUNDAGE FEES (Ireland)	4,269	13	11¼				4,269	13	11¼
PELLS FEES Do.	853	18	5¾				853	18	5¾
CASUALTIES Do.	3,815	15	9½				3,815	15	9½
TREASURY FEES and Hospital Fees (Do.)	985	4	4¾				985	4	4¼
SMALL BRANCHES OF THE KING'S HEREDITARY REVENUE	141,148	4	1½	5,071	0	0½	136,077	4	1
TOTAL of Ordinary Revenues	65,894,276	12	0¾	8,533,083	18	10¾	57,361,182	13	2
Other Resources.									
PROPERTY TAX (Arrears)	47,978	12	4¾	10,111	14	7	37,836	17	9¾
LOTTERY, surplus Receipts after payment of Lottery Prizes	219,139	16	0				219,139	16	0
Unclaimed Dividends, &c. per Act 56 Geo. 3, cap. 97	83,910	13	3				33,910	13	3
From the Commissioners for the issue of Exchequer Bills, per Acts 57 Geo. 3, c. 34, & 124, for carrying on Public Works, and for the Employment of the Poor	75,500	0	0				75,500	0	0
On account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works and Employment of the Poor, and for the support of Commercial Credit in Ireland	126,201	10	6¾				126,201	10	6¾
Surplus Fees of Regulated Public Offices	63,000	14	4¾				63,000	14	4¾
Interest on Contracts for the Redemption of Land Tax	44	0	1½				44	0	1½
Other Monies paid to the Public	142,028	16	11				142,028	16	11
TOTAL (exclusive of Loans)	66,652,080	15	8½	8,543,225	13	5¾	58,108,855	2	2¾
Loans paid into the Exchequer	13,828,783	15	1				13,828,783	15	1
GRAND TOTAL	80,480,864	10	9½	8,543,225	13	5¾	71,937,638	17	3¾

II.—AN ACCOUNT OF THE INCOME OF AND CHARGE UPON THE CONSOLIDATED FUND.

INCOME.	£. s. d.		£. s. d.
CUSTOMS: Consolidated	£.4,160,703 8 6¾		
Isle of Man	15,743 [illegible] 1		
Quarantine Duty	15,[illegible]70 9 4		
Canal and Dock Duty	[illegible]3 3 3		4,217,770 2 2¾
EXCISE: Consolidated after reserving the Sums carried to Duties, pro Annis, 1812 and 1815, per Acts 52 & 55 Geo. 3	20,710,347 15 4		
Foreign Spirits, Anno 1811	120,928 0 0		20,831,275 15 4
STAMPS: Consolidated after reserving as directed per 55 Geo 3	5,737,227 16 10		
Licenses for selling Lottery Tickets	4,130 19 9		5,741,358 16 7
			[This account continued over leaf.]

CHARGE.	Actual Payment out of the Consolidated Fund, in the Year ended 5th January 1822. £. s. d.	Future Annual Charge upon the consolidated Fund, as it stood on 5th January 1822. £. s. d.
Total Charge for Debt created prior to the Year 1812	25,951,320 4 11½	25,321,037 15 2½
CIVIL LIST:		
For the support of his Majesty's Household, per Act 1, Geo. 4.	850,000 0 0	850,000 0 0
COURTS OF JUSTICE:		
Judges of England and Wales, in augmentation of their Salaries	13,050 0 0	13,050 0 0
Deficiencies of Judges Salaries in England	13,327 4 2	Uncertain.
Additional Salaries to Welsh Judges	3,200 0 0	3,200 0 0
Sheriffs of England and Wales	4,000 0 0	4,000 0 0
Clerk of the Hanaper	3,000 0 0	
J. Baldwin, Esq. Receiver of the Seven Police Offices	12,951 16 6½	Uncertain.
Ditto ... Do. ... eight ... Do.	16,249 19 5¾	
Thomas Venables Esq. Do. Thames Police Office	3,655 18 10	
MINT:		
Master of the Mint in England	13,800 0 0	13,800 0 0
Do Do. in Scotland	958 5 4	Uncertain.
SALARIES AND ALLOWANCES:		
Speaker of the House of Commons, to complete his salary of £.6,000 per annum	2,119 6 0	Uncertain.
Edward Roberts, esq. an annual sum formerly paid to the auditor	650 0 0	650 0 0
George Pepler, esq. inspector of Tontine certificates	600 0 0	Uncertain.
	[This Account continued over leaf.]	

	£.	s.	d.
INCIDENTS	7,149,311	16	2
Surplus Annual Duties	2,896,733	3	11½
Ditto Pensions, Offices, &c. 1817 to 1821	50,424	8	11¾
Land Tax, Annis 1799 to 1821	1,212,851	17	9¾
Arrears of Income Duty	23	6	1¾
Money reserved on acc[illegible] Nominees appointed by the Lords of the Treasury, in Tontine, Anno 1789	23,341	19	7
Arrears of Property Duty	34,234	15	9¾
Monies paid by divers persons	188,061	5	3½

	£.	s.	d.	£.	s.	d.
Chief Cashier of the Bank, for fees	1,247	10	0	Uncertain.		
For the encouragement of the growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
Annuity granted to Samuel Baker, *et. al.* in consideration of Barracks erected by them in the Regent's Park per 1 Geo. 4, c. 104	2,700	0	0	5,400	0	0
COMMISSIONERS OF PUBLIC ACCOUNTS:						
W. M. Praed, esq. Chairman to 31st Aug. 1821 (the day of his resignation)	970	7	3			
Sir C. W. Rouse Boughton, bt. to 26th Feb. 1821, (the day of his death)	173	6	8			
Edw. R. Stuart, esq. appointed Commissioner, 1st May, 1821	390	11	5¾			
Ditto Do. Chairman 31st Aug. 1821	529	1[illegible]	9	1,500	0	0
Richard Hawkins, esq	1,200	0	0	1,200	0	0
John Whishaw, esq	1,200	0	0	1,200	0	0
John Sargent, esq. to 6th Oct. 1821 (day of his resignation)	887	12	7			
George Jenkinson, esq. appointed 19th Oct. 1821	268	19	3¾	1,200	0	0
Francis S. Larpent, esq. Do.	268	19	3¾	1,200	0	0
John Thornton, esq. Do.	268	19	3¾	1,200	0	0
Salaries, &c. in the office of the said Commissioners	34,789	15	4	Uncertain.		
COMMISSIONERS OF WEST INDIA ACCOUNTS:						
John Halket, esq. Chairman, to 5th July 1821	750	0	0			
John Wilson, esq	1,000	0	0	1,000	0	0
James Chapman, Esq.	1,000	0	0	1,000	0	0
Salaries, &c. in the office of the said Commissioners	6,196	13	11	Uncertain.		
MISCELLANEOUS:						
Russian Dutch Loan, per Act 55 Geo. 3. c. 115	115,753	0	2	Uncertain.		
Comissioners for inquiring into Charities	10,000	0	0			
Contingencies in the office of the said Commissioners	8,000	0	0			
Deficiency of Profits to the South Sea Company, per 55 Geo. 3, c. 57	2,214	15	10			
Irish Life Annuities	37,896	18	6			

	£.	s.	d.
Total Income of Duties, &c. applicable to paying the Charges prior to the Year 1812, and the incidental Charges, as they stood on 5th January 1822	42,345,387	10	10¾
Total Income of Duties for the Year 1812	994,321	18	1
Ditto 1815	459,833	10	4
Ditto 1819	35,515	0	0
By Cash in part Redemption of £2.637,000, Exchequer Bills deposited in the Tellers Chests by the Auditor of the Exchequer, per 59 Geo. 3, c. 19, to render the Growing Produce available for the Public Service, and exchanged per Act 1, Geo. 4, c. 44 ..	1,200,000	0	0
INCOME RECEIVED IN IRELAND:			
Custom Duties 1,437,652 18 10¼			
Excise 1,632,648 8 3½			
[This account continued over leaf.]			

	£.	s.	d.	£.	s.	d.
Expenses of the Bridge building over the Menai Straits	25,000	0	0			
Ditto of the improvement of Port Patrick Harbour	5,000	0	0			
J. B. H. Curran, esq. Commander of H. M. S. Tyne, being bounty on seizure, &c. on Slaves, per 47 Geo. 3, c. 36	2,265	0	0	Uncertain.		
W. Fisher, esq. Commander of H.M.S. Bann, Do. Do	7,550	0	0			
Francis Stanfell, esq. Do. Do. Phæton Do.	1,330	0	0			
E. H. Madge, esq. Commandant in the Mauritius Do.	258	0	0			
General G. J. Hall, acting governor of Do. Do.	120	0	0			
Hart Davis, esq. collector of the customs, at Do. Do.	227	0	0			
Ralph Darling, esq. commandant Do. Do.	13	0	0			
Thomas R. Pye, Agent for the Island of Rodrigues, Ditto	953	0	0			
Lord Howden, Commander in Chief at the Cape of Good Hope Do.	104	0	0			
William V. Munnings, esq. President of the Bahamas, Ditto	56	0	0			
B. M. Kelly, Commander of H. M. S. Pheasant Ditto	700	0	0			
Lieut. B. Le Sage, Agent at Madagascar Do.	702	0	0			
PENSIONS:						
Earl of Chatham	4,000	0	0	4,000	0	0
Lord Rodney	2,000	0	0	2,000	0	0
Lady Dorchester	1,000	0	0	1,000	0	0
John Penn, esq.	1,000	0	0	1,000	0	0
Richard Penn, esq.	3,000	0	0	3,000	0	0
Duke of Clarence	12,000	0	0	12,000	0	0
- - York	12,000	0	0	12,000	0	0
Earl St. Vincent	2,000	0	0	2,000	0	0
Viscount Duncan	2,000	0	0	2,000	0	0
Duke of Cumberland	12,000	0	0	12,000	0	0
- - Richmond	6,333	6	8	6,333	6	8
Lord Erskine	4,000	0	0	4,000	0	0
Sir Archibald Macdonald	2,500	0	0	2,500	0	0
Sir James Mansfield	1,875	0	0	—		
Sir William Grant	2,500	0	0	2,500	0	0
Sir Alan Chambre	2,000	0	0	2,000	0	0
Sir Sydney Smith	1,000	0	0	1,000	0	0
[This account continued over leaf]						

	£.	s.	d.
Assessed Taxes	508,2[illegible]5	1	5
Quit Rents	71	0	11¼
Stamp Duties	[illegible]5,71[illegible]	8	5
Ditto from the Bank of Ireland composition in lieu of Stamps on their Notes, for one year to 25th March 1822	13,846	3	1
Ditto Law-Fund Duties	[illegible],204	9	9¾
Postage	65,538	[illegible]	2¼
Balances recovered from dismissed and deceased Collectors	818	11	8¼
Poundage Fee	4,269	13	11¾

	£.	s.	d.	£.	s.	d.
Lord Abercrombie	2,000	0	0	2,000	0	0
John William Compton, esq.	500	0	0	—		
Alexander Croke, esq.	1,000	0	0	1,000	0	0
John Hinchliffe, esq.	1,000	0	0	1,000	0	0
Duke of Sussex	12,000	0	0	12,000	0	0
- - Cambridge	12,000	0	0	12,000	0	0
Lord Hutchinson	2,000	0	0	2,000	0	0
Sir James Saumarez	1,200	0	0	1,200	0	0
Lord Boringdon, *et. al.* for Lord Amherst	3,000	0	0	3,000	0	0
Duke of Athol	3,646	10	4¼	Uncertain.		
Henry Moreton Dyer, esq.	1,000	0	0	1,000	0	0
John Sewell, esq.	1,000	0	0	1,000	0	0
William Territt, esq.	1,000	0	0	1,000	0	0
Lady Nelson	2,000	0	0	2,000	0	0
Sir Richard Strahan	1,000	0	0	1,000	0	0
Honourable Sarah Collingwood	500	0	0	500	0	0
Mary Patience Do.	500	0	0	500	0	0
Duke of Clarence	6,000	0	0	6,000	0	0
- - Cumberland	6,000	0	0	6,000	0	0
- - Sussex	6,000	0	0	6,000	0	0
- - Cambridge	6,000	0	0	6,000	0	0
- - Gloucester	14,000	0	0	14,000	0	0
Princess Sophia of Gloucester	7,000	0	0	7,000	0	0
Earl Nelson	5,000	0	0	5,000	0	0
Lord Rodney	923	1	6	923	1	6
Viscount Lake	2,000	0	0	2,000	0	0
- - Wellington	2,000	0	0	2,000	0	0
Earl of Do.	2,000	0	0	2,000	0	0
Hon. Jane Perceval	2,000	0	0	2,000	0	0
Princesses Augusta, Elizabeth, Mary and Sophia, £.9,000 per annum each	36,000	0	0	36,000	0	0
Sir Archibald Macdonald	800	0	0	800	0	0
Sir James Mansfield	600	0	0	—		
Sir William Grant	800	0	0	800	[illegible]	0
Sir Alan Chambre	600	0	0	600	0	0
Duke of Wellington	5,525	0	0	5,525	0	0
Lord Beresford	2,000	0	0	2,000	0	0
- - Combermere	2,000	0	0	2,000	0	0
- - Exmouth	2,000	0	0	2,000	0	0
- - Hill	2,000	0	0	2,000	0	0
- - Lynedoch	2,000	0	0	2,000	0	0

				£.	s.	d.
Pells Fee	855	18	5¾			
Treasury Fees	948	16	7½			
Hospital Fee	36	7	9¼			
Casual Revenue	3,815	15	9½			
Total Ordinary Revenue	3,855,704	4	4½			
Imprest Monies repaid, and other Monies received	144,219	14	9			
				3,999,925	19	1½
Total Income of the United Kingdom				49,034,981	18	5¼
Deficiency of Income				35,451	10	7¼
				49,070,433	9	0½

		£	s	d	£.	s	d
Duke of York for the Prince of Cobourg		50,000	0	0	50,000	0	0
Duke of York		14,000	0	0	14,000	0	0
- - Clarence		2,500	0	0	2,500	0	0
Princesses, as above £.4,000 per annum each		16,000	0	0	16,000	0	0
Lord Colchester		4,000	0	0	4,000	0	0
Duke of Cambridge		6,000	0	0	6,000	0	0
Duchess of Kent		6,000	0	0	6,000	0	0
Late Queen's servants		17,905	18	2	Uncertain		
Ditto King's servants		21,515	1	7½			
Queen Caroline		48,97[illegible]	2	8½	—		
Duke of Clarence		22,500	0	0	6,000	0	0
TOTAL of Incidental Charges, &c. upon the Consolidated Fund, as they stood on the 5th January 1822		1,651,724	0	5	1,230,238	1	10
Total Charge for Debt, prior to 1812		25,951,820	4	11½	25,321,037	15	2¼
Total of Incidental Charges, &c.		1,651,724	0	5	1,230,238	1	10
Total Charge for Debt in the Year	1812	2,216,397	10	6¾	2,181,120	9	1½
Ditto	1813	4,152,940	19	9	4,152,940	19	9
Ditto	1814	3,271,119	10	9½	3,271,642	6	9½
Ditto	1815	4,365,619	10	2	4,366,036	2	2¾
Ditto	1816	72,390	9	4	73,255	1	9½
Ditto	1818	1,603,777	17	0	1,603,777	17	0
Ditto	1819	1,442,005	16	5	1,442,005	16	5
Ditto	1820	1,786,644	14	9	1,443,049	10	8
Ditto	1821	81.484	7	6	896,328	9	[illegible]
		46,595,425	11	7¾	45,981,4[illegible]	[illegible]	[illegible]
Interest on Exchequer Bills issued to make good the Deficiency of Consolidated Fund		118,153	5	10	Uncertain		
Total Charge payable in Great Britain		46,713,578	17	5¾	—		
Charge defrayed in Ireland		2,356,854	11	7			
TOTAL Charge of the United Kingdom		49,070,433	9	0½			

III.

ARREARS AND BALANCES OF PUBLIC ACCOUNTANTS.

FOR THE YEAR ENDED FIFTH JANUARY 1822.

[*The Accounts of Arrears and Balances were not ordered to be printed.*]

IV.

TRADE AND NAVIGATION OF THE UNITED KINGDOM.

I.—TRADE OF GREAT BRITAIN.

An Account of the value of all IMPORTS into, and of all EXPORTS from GREAT BRITAIN, during each of the three Years ending the 5th January 1822 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade with IRELAND; distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandise Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from GREAT BRITAIN, according to the Real and Declared Value thereof.

	YEARS.	OFFICIAL VALUE OF IMPORTS.		OFFICIAL VALUE OF EXPORTS. Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandize.		Total Exports.		Declared Value of the Produce and Manufactures of the United Kingdom Exported.	
		£.	s.	£.	s.	£.	s.	£.	s.	£.	s.
VALUE, inclusive of the Trade with Ireland.	1820	29,654,898	13	32,923,574	18	9,679,236	0	42,8[illegible]2,810	18	34,248,495	6
	1821	31,484,108	11	37,818,035	13	10,525,025	18	4[illegible],343,061	11	35,568,669	9
	1822	29,675,320	4	40,194,892	1[illegible]	10,670,880	8	50,865,773	2	35,826,082	13

2.—TRADE OF IRELAND.

An Account of the Value of all IMPORTS into, and of all EXPORTS from IRELAND, during each of the Three Years ending the 5th January 1822 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with GREAT BRITAIN); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Value thereof, as computed at the Average Prices Current.

YEARS.		OFFICIAL VALUE OF IMPORTS.		OFFICIAL VALUE OF EXPORTS. Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandize.		TOTAL EXPORTS.		Declared value of the Produce and Manufactures of the United Kingdom Exported.	
		£.	s.	£.	s.	£.	s.	£.	s.	£.	s.
VALUE inclusive of Trade with Great Britain	1820	6,395,972	17	5,708,582	15	61,882	12	5,770,465	7	9,747,206	1
	1821	5,197,192	17	7,089,441	11	89,781	6	7,179,222	18	10,308,713	11
	1822	6,548,515	9	7,703,857	11	77,795	4	7,781,652	16	9,803,057	19
VALUE exclusive of Trade with Great Britain	1820	1,093,247	3	558,261	10	25,948	11	584,210	2	956,069	12
	1821	954,542	5	577,519	13	30,886	11	608,406	5	855,983	4
	1822	1,068,708	0	636,852	[illegible]	27,599	5	664,451	9	833,548	9

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the British Empire, in the Years ending the 5th January 1820, 1821, and 1822 respectively.

	In the Years ending the 5th January. 1820.		1821.		1822.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	777	89,09[illegible]	619	66,691	585	58,076
Isles, Guernsey, Jersey, and Man	20	1,381	16	1,451	12	1,406
British Plantations	328	21,701	248	16,440	208	11,810
Total	1,125	112,173	883	84,582	805	71,292

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the British Empire, on the 30th September, in the Years 1819, 1820, and 1821 respectively.

	On 30th Sept. 1819.			On 30th Sept. 1820.			On 30th Sept. 1821.		
	Vessels	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ...	21,501	2,425,885	155,277	21,473	2,412,804	155,335	21,163	2,329,313	150,426
Isles, Guernsey, Jersey and Man	496	25,712	3,613	496	26,225	3,775	489	26,639	3,859
British Plantations .	3,485	214,799	15,488	3,405	209,564	15,304	3,384	204,350	14,896
Total	25,482	2,666,396	174,378	25,374	2,648,593	174,414	25,036	2,560,202	169,179

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered INWARDS, and cleared OUTWARDS, at the several Ports of the United Kingdom, from and to all parts of the World (exclusive of the Intercourse between GREAT BRITAIN and IRELAND respectively), during each of the Three Years ending 5th January 1822.

Years ending 5th Jan.	British and Irish.			Foreign.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
	INWARDS.								
1820...	11,974	1,809,128	107,556	4,215	542,684	32,632	16,189	2,351,812	140,188
1821...	11,285	1,668,060	100,325	3,472	447,611	27,633	14,757	2,115,671	127,958
1822...	10,805	1,559,423	97,485	3,261	396,107	26,043	14,066	1,995,530	123,528
	OUTWARDS.								
1820...	10,250	1,562,802	97,267	3,795	556,041	30,333	14,045	2,118,843	127,600
1821...	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,836	120,394
1822...	9,797	1,488,644	93,377	2,628	384,219	22,179	12,425	1,872,863	115,556

V.—PUBLIC EXPENDITURE—5th Jan. 1822.

	Heads of Expenditure.	Sums. £.	s.	d.	Total. £.	s.	d.
I.	For Interest, &c. on the Permanent Debt of the United Kingdom, unredeemed; including Annuities for Lives and Terms of Years	-	-	-	47,130,171	18	10
II.	The Interest on Exchequer Bills, and Irish Treasury Bills	-	-	-	2,219,602	5	0
III.	The Civil Lists of { England £.850,000 0 0; Ireland ......214,877 6 1¾ }	1,064,877	6	1¾			
IV.	The other Charges on the Consolidated Fund. — Courts of Justice in England	69,444	18	11¾			
	Mint	14,738	5	4			
	Allowances to the Royal Family, Pensions, &c.	439,229	14	0¼			
	Salaries and Allowances	60,168	7	7			
	Bounties	14,278	0	0			
	Miscellaneous	203,864	14	6			
	Permanent Charges in Ireland	402,339	7	7			
					2,268,940	14	1¾
V.	The Civil Government of Scotland				135,077	15	5
VI.	The other Payments in anticipation of the Exchequer Receipts, viz. £. s. d.						
	Bounties for Fisheries, Manufactures, Corn, &c. { Customs 320,045 4 11½; Excise... 72,951 10 3 }	392,996	15	2½			
	Pensions on the Hereditary Revenue { Excise ...14,000 0 0; Post Office 13,700 0 0 }	27,700	0	0			
	Militia and Deserters Warrants, &c. Excise and Taxes	56,176	19	4			
					476,873	15	6½
VII.	The Navy, viz.						
	Wages	2,304,000	0	0			
	General Services	2,789,220	3	0			
		5,093,220	3	0			
	The Victualling Department	850,659	12	4¼			
					5,943,879	15	4¼
VIII.	The Ordnance	1,338,349	8	1¼			
	Deduct the Value of Stores supplied by the Board of Ordnance to Foreign Powers, the Expense of which is reimbursed to the Ordnance Department by the Paymaster General, under Warrants of the Treasury	426	3	11			
					1,337,923	4	2¼
IX.	The Army, viz.						
	Ordinary Services ....£.7,854,114 14 2½						
	Extraordinary Services..........1,079,090 17 10½						
		8,933,205	12	1			
	Deduct the Amount of Remittances and Advances to other Countries	426	3	11			
					8,932,779	8	2
X.	Loans, Remittances, and Advances to other Countries Tripoli	-	-	-	426	3	11
XI.	Issues from Appropriated Funds, for Local Purposes	-	-	-	48,038	11	1¼
XII.	Miscellaneous Services, viz.						
	At Home	3,567,482	2	9¾			
	Abroad	302,560	10	9			
					3,870,042	13	6¾
					72,361,756	4	2¾
	Deduct Sinking Fund on Loan to the East India Company				163,739	2	6
					*72,198,017	1	8¾

* This includes the Sum of £.263,511 17 0 for Interest, Management, and Sinking Fund on Imperial Loan, and £.56,965 14 4½ Portuguese Loan.

VI.—PUBLIC FUNDED DEBT.

An Account of the PUBLIC FUNDED DEBT of the UNITED KINGDOM, payable in GREAT BRITAIN, as the same stood on the 5th of January, 1822.

	CAPITALS, at £.3 per Cent per Annum.				CAPITALS at £.3 10s. per Cent per Annum.	Consolidated £.4 per cents.	CAPITALS, at £.5 per Cent. consolidated Annuities.
	Bank of England Annuities 1726.	South Sea Old and New Annuities. 1751.	Consolidated Annuities.	Reduced Annuities.			
	£.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
TOTAL DEBT of the United Kingdom, payable in Great Britain ...	14,686,800	21,037,684 13 11	391,855,816 8 10	202,611,529 19 1	22,573,821 14 0	74,945,413 4 8	141,830,057 9 7
Ditto payable in Ireland	- -	- - -	- - -	- - -	19,274,600 5 3	1,241,630 15 5	11,363,370 19 7
TOTAL LOANS to the Emperor of Germany, payable in Great Britain	- -	- - -	7,502,633 6 8	- - -	- - -	- - -	- - -
Ditto to the Prince Regent of Portugal payable in ditto............	- -	- - -	- - -	895,522 7 9	- - -	- - -	- - -
	14,686,800	21,037,684 13 11	399,358,449 15 6	203,507,052 6 10	41,848,421 19 3	76,187,044 9 1	153,193,488 9 2
In the Names of the Commissioners of the National Debt	- -	8,506,100 0 0	21,816,603 15 10	67,711,367 13 6	12,301,418 0 0	187,646 0 9	22,013 1 5
	14,686,800	12,531,584 13 11	377,541,845 19 8	135,795,684 13 4	29,547,003 19 3	75,999,397 19 4	153,171,415 7 9
Transferred to the Commissioners for Purchase of Life Annuities, per Act 48, Geo. 3, c. 142	-	- - -	3,965,209 0 0	2,235,020 0 0	- - -	51,634 0 0	114,652 0 0
	14,686,800	12,531,584 13 11	373,576,636 19 8	133,560,664 13 4	29,547,003 19 3	75,947,763 19 4	153,056,763 7 9

(Repeated Column.)	CAPITALS at £-5 per Cent Annuities 1797 and 1802. £. s. d.	TOTAL CAPITALS. £. s. d.	ANNUAL INTEREST. £. s. d.	Annuities for Lives or for Terms of Years. £. s. d.	Charges of Management. £. s. d.	Annual, or other Sums, by sundry Acts. £. s. d.	TOTAL of ANNUAL EXPENSE. £. s. d.
TOTAL DEBT of the United Kingdom, payable in Great Britain...	1,015,668 12 4	871,952,738 4 7	29,905,738 16 6	1,417,924 8 1	275,512 3 10	12,972,842 19 9	44,572,018 8 2
Ditto payable in Ireland	- - -	31,879,602 0 3	1,292,444 15 9	45,724 6 2	553 16 11	405,503 3 10	1,742,226 2 8
TOTAL LOANS to the Emperor of Germany, payable in Great Britain	- - -	7,502,633 6 8	225,079 0 0	- - -	1,655 16 5	36,693 0 0	263,427 16 5
Ditto Ditto to the Prince Regent of Portugal, payable in Ditto	- - -	895,522 7 9	26,865 13 6	- - -	51 3 2	30,000 0 0	56,916 16 8
	1,015,668 12 4	912,230,495 19 3	31,450,128 5 9	1,461,648 14 3	277,773 0 4	13,445,039 3 7	46,634,589 3 11
In the Names of the Commissioners of the National Debt	6,064 18 5	110,551,213 9 11	3,380,481 10 1	606 0 11	- - -	3,381,087 11 0	—
	1,009,603 13 11	801,679,282 9 4	28,069,646 15 8	1,461,042 13 4	277,773 0 4	16,826,126 14 7	46,634,589 3 11
Transferred to the Commissioners for Purchase of Life Annuities, per Act 48, Geo. 3, c. 142 ...	- - -	6,366,515 0 0	193,804 16 7	9,837 0 0	- - -	203,641 16 7	141 2 6
	1,009,603 13 11	795,312,767 9 4	27,875,841 19 1	1,451,205 13 4	277,773 0 4	17,029,768 11 2	46,634,730 6 5
Add Annuities payable at the Exchequer, Unclaimed for three Years, at 5th Jan. 1822						30,710 9 6	
						17,060,479 0 8	
Deduct Life Annuities payable at the Bank of England						410,964 19 6	
Amount applicable to the Reduction of the Debt of the United Kingdom						16,649,514 1 2	

REDEMPTION OF THE PUBLIC FUNDED DEBT.

An Account of the Progress made in the Redemption of the PUBLIC FUNDED DEBT of the United Kingdom, payable in GREAT BRITAIN, at the 5th January, 1822.

FUNDS.	CAPITALS. £. s. d.	Long Annuities at the Bank of England. £. s. d.	Transferred to, or Redeemed by the Commissioners, from 1st August 1786 to 5th Jan. 1821. £. s. d.	TOTAL SUMS Paid. £. s. d.	Average Price of Stocks
Consolidated £.3 per Cent Annuities	520,158,619 7 10	- - -	133,934,232 0 0	87,775,401 5 1	65 1/8
Reduced ... Do.	407,631,452 0 1	- - -	260,101,838 0 0	168,682,931 6 2	64 7/8
£3½ per Cent Annuities	22,573,821 14 0	- - -	4,835,900 0 0	4,024,620 12 6	83 1/4
Old South Sea Do.	24,065,084 13 11	- - Old	7,056,600 0 0	4,852,934 14 6	68 3/4
New Do. Do.		- - New	5,236,500 0 0	3,643,451 6 9	69 5/8
£.3 per Cent Do. Anno 1751	1,919,600 0 0	- - -	1,150,000 0 0	818,161 15 0	70 1/2
Consolidated £.4 per Cent Annuities	82,741,813 4 8	- - -	7,796,400 0 0	6,586,934 8 9	84 1/2
Do £.5 Do Do.	141,972,057 9 7	- - -	145,500 0 0	130,113 7 6	89 3/4
£.5 per Cent Annuities, Anno 1797 and 1802	1,015,668 12 4	—	—	—	—
£.3 per Cent Do. Anno 1726	1,000,000 0 0	—	—	—	—
Do. Bank Annuities	14,686,800 0 0	—	—	—	—
Consolidated Long Annuities	- - -	1,359,435 18 8	—	—	—
£.5 per Cent Annuities formerly paid by Ireland	1,576,242 11 6	- - -	180,296 9 4	155,334 10 3	86 1/2
Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 years and upwards, and which are subject to the Claims of the Parties entitled thereto	- - -	- - -	420,447,266 9 4 676,795 17 8	276,669,888 6 6	
	1,219,351,159 13 11	1,359,435 18 8	421,124,062 7 0		
Transferred to Commissioners, on Account of Land Tax Redeemed, at 5th January 1822	25,819,089 0 0				
	1,193,532,070 13 11				
Ditto for Purchase of Life Annuities, per Act 48, Geo. 3.	6,366,515 0 0	9,837 0 0			
	1,187,165,555 13 11	1,349,598 18 8			
Redeemed by the Commissioners, including Capitals, the Dividends on which have not been claimed for 10 Years and upwards	421,124,062 7 0	Unclaimed 10 Years 606 0 11			
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th January, 1822	766,041,493 6 11	1,348,992 17 9			

NOTE.—The Unredeemed Debt of £766,041,493 6 11 includes £.16,296,875, created by the Sinking Fund Loan of £.12,500,000, Anno 1821; and the Capital Redeemed, amounting to £.420,447,266 9 4 above stated, includes £.16,296,875 the Capital obtained for the said Loan, which Loan is in the course of payment.

Sums annually applicable to the Redemption of the National Debt.	£.	s.	d.
Annual Charge per act 26 Geo. 3	1,000,000	0	0
Ditto......... 42 Ditto	200,000	0	0
Ditto.... per Act 1 & 2 Geo. 4. c 122, being £.1 per Cent on Exchequer Bills, outstanding, at 5th January 1821	290,000	0	0
Annuities for 99 and 96 Years, Expired Anno 1792	54,880	14	6
Ditto for 10 Years.............. Anno 1787	25,000	0	0
Exchequer Annuities Unclaimed for Three Years, at 5th January 1822	30,710	9	6
Ditto of which Nominees shall have died prior to 5th July 1802	21,481	6	1
Annual Interest on £.407,489,170 0 0 Redeemed at £.3 per Cent including £.10,296,875 created by Sinking Fund Loan of £.12,500,000, Anno 1821	12,224,675	2	0
Ditto on £.4,835,900 0 0............... £.3½ per Cent	169,256	10	0
Ditto on 7,796,400 0 0............... 4 per Cent	311,856	0	0
Ditto on 145,500 0 0............... 5 per Cent	7,275	0	0
Ditto on 180,296 9 4 Irish, £.5 per Cent payable in England	9,014	16	5½
£.1 per Cent per Annum on part of Capitals created, from 1st February 1793 to 1815, both inclusive	6,640,220	3	7½
Ann. Interest on £.6,200,229 £.3 per Cents transferred for Purchase of Life Ann.	186,006	17	4¾
Ditto on 51,634 4 per Cents Do.	2,065	7	2¼
Ditto on 114,652 5 per Cents Do.	5,732	12	0
Long Annuities transferred for Ditto	9,837	0	0
Sinking Fund borne by Consolidated Fund, on Loans raised and Bills funded Anno 1815, 1818, and 1819	1,377,013	4	7
Annual Appropriation on £.12,000,000, part of 14,200,000 Loan Anno 1807	626,255	10	5
Ann. Interest on £.178,510 6 4 £.3 per Cents uncl. for 10 years and upwards	5,355	6	2¼
Ditto on 24,307 11 6 4 per Cents Ditto	972	6	0½
Ditto on 24,577 19 10 5 per Cents Ditto	1,228	17	11¾
Long Annuities, unclaimed Ditto Ditto	606	0	11
Annual Interest on £.449,400 £.3 per Cents purchased with unclaimed Dividends	13,482	0	0
Chargeable on Sinking Fund:	23,212,925	4	10½
Life Annuities........ £.410,964 19 6			
Loans and Bills, funded from 1813 to 1821 .... 9,722,775 1 6			
Part of Charge for Treasury Bills raised for Ireland, Anno 1816 9,014 16 5½			
10,142,754 17 5½			
Deduct for Sinking Fund for said Loans and Bills 2,737,992 0 7¼	7,404,762	16	10¼
Actual Sinking Fund of Great Britain and Ireland funded therein Consolidated	15,808,162	8	0¼

Annuities fallen in since 22nd June, 1802, or that will fall in hereafter	£.	s.	d.
Exchequer Annuities, 2nd and 3rd Anne: Expired 5th April 1803	23,366	13	4
Ditto..........Ditto........5th Jan. 1805	7,030	6	8
Ditto 4 Anne...Ditto........5th April	23,254	11	0
Ditto 5 Ditto...Ditto............ 1806	7,776	10	0
Ditto 6 Ditto...Ditto............ 1807	4,710	10	0
Ditto..........Ditto........5th July	10,181	0	0
Bank Short Annuities Ditto 5th Jan. 1808	418,333	0	11
Ditto Long Ditto which will expire 5th Jan. 1860	1,359,435	18	8½

By an Act 42nd Geo. 3, cap. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt.

An Account of the Progress made in the Redemption of the IMPERIAL DEBT, at 5th January, 1822.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners from 1st August, 1786, to 5th January, 1821.	TOTAL SUMS Paid.	Average Price of Stock.	SUMS Annually applicable to the reduction of the NATIONAL DEBT.	ANNUITIES fallen in since 22nd June 1802, or that will fall in hereafter.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.			
Imperial £.3 per Cent Annuities	7,502,633 6 8	- - -				£.1 per Cent per annum on Capitals created by Loan, 1797 ...... £. 36,693 s. 0 d. 0	Imperial Annuities for 25 Years, expired 1st May 1819.
Redeemed by the Commissioners at 5th Jan. 1822	2,632,571 3 0	- - -	2,631,281 0 0	1,676,343 19 6	63¾	Annual Interest on £2,631,281 at 3 per Cent 78,938 8 7	230,000 0 0
Capitals transferred to them, the Dividends on which have not been claimed for 10 Years and upwards	- - -	- - -	1,290 3 0			Ditto on £.1,290 3 0 Unclaimed Capital, for 10 Years and upwards, at £3. per Cent 38 14 1	
						115,670 2 8	
Debt unredeemed at 5th Jan. 1822	4,870,062 3 8	- - -	2,632,571 3 0				

An Account of the Progress made in the Redemption of the DEBT of PORTUGAL, at 5th January, 1822.

Reduced £.3 per Cent Annuities	895,522 7 9					Annual Appropriation for Redemption of Loan, 1809 ...... 30,000 0 0	
Redeemed by the Commissioners	745,056 0 0	- -	745,056 0 0	500,638 2	67¼	Annual Interest on £.745,056, at £.3 per Cent 22,351 13 7	
Debt Unredeemed at 5th January 1822.	150,466 7 9					52,351 13 7	

An Account of the Progress made in the Redemption of the FUNDED DEBT of IRELAND, payable in Ireland, at 5th January, 1822, in British Currency.

		Terminable and Life Annuities.			
£.3 10 per Cent Debentures and Stock ...	22,101,263 0 8	- - -	10,292,180 15 5	8,126,66? 5 10	79
£.4 per Cents	?513,476 18 6	- -	435,184 12 3¾	385,623 16 5¾	88⅝
£.5 per Cents	12,902,280 6 2	110,340 12 8	1,538,909 6 7¼	1,382,187 1 2	89¾
	36,517,020 5 4		12,266,274 14 4	9,894,480 6 5¾	
Redeemed by the Commissioners	12,266,274 14 4				
Deduct Annuities expired		66,616 6 6			
Debt Unredeemed at 5th January, 1822........	24,250,745 11 0	43,724 6 2			

Note.—The Unredeemed Debt of £.24,250,745 11 includes £.596,115 7 8 created by the Sinking Fund Loan of £.500,000 part of £.13,000,000 raised Anno 1821; and the Capital Redeemed amounting to £.12,266,274 14 4 above stated, includes £.596,115 7 8 the Capital obtained for the said Loan, which Loan is in the course of payment.

Annual Charge per Act 37 Geo. 3,		62,445 5 7	
Terminable Annuities expired ...		66,616 6 6	
Part of per Centage on Loans and Outstanding Treasury Bills, at 5th Jan. 1822......................		251,418 6 8	
Annual Interest on £.10,292,180 15 5 at £.3 10 per Cent, including £.596,115 7 8 created by Sinking Fund Loan of £.500,000 Anno 1821		360,226 6 6¼	
Ditto on £.435,184 12 3¾ at 4 per Cent		17,407 7 8¼	
Ditto on £.1,538,909 6 7¼ at 5 per Cent		76,945 9 3¾	
Chargeable on Sinking Fund :		835,059 2 3¾	
Interest cancelled in Ireland, towards defraying the Charge of Treasury Bills, raised anno 1816 &c. the remainder being cancelled in England £.186,752 10 2¼			
Deduct for Sinking Fund for said Bills	25,023 5 1	161,729 5 1¼	
Actual Sinking Fund of Ireland payable in Ireland ...		673,329 17 2	

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT, and DEMANDS OUTSTANDING, on the 5th day of January, 1822.

		£.	s.	d.	AMOUNT OUTSTANDING. £.	s.	d.
EXCHEQUER:							
Exchequer Bills ...	Provided for	2,566,550	0	0			
	Unprovided for	29,000,000	0	0			
					31,566,550	0	0
TREASURY:							
Miscellaneous Services		901,854	9	7¾			
Warrants for Army Services....................................		167,672	19	7¾			
Treasury Bills of Exchange, drawn from Abroad..............		218,331	0	0			
Irish Treasury Bills (Exchequer Bills)	Provided for	—					
	Unprovided for........................	1,105,181	9	4¾			
					2,393,039	18	8¼
ARMY					912,296	18	11
NAVY					1,105,630	11	7¼
ORDNANCE					267,208	17	9¾
BARRACKS					Nil.		
					36,244,726	7	0¼

Whitehall, Treasury Chambers, 25th March, 1822. } C. ARBUTHNOT.

VIII.—DISPOSITION OF GRANTS.

An Account, showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1821, have been disposed of; distinguished under their several Heads; to the 5th January, 1822.

SERVICES.	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
NAVY	6,282,683	11	5	5,164,742	11	5¼
ORDNANCE	1,195,107	0	0	946,715	7	8¼
FORCES	8,736,092	6	8	7,307,593	18	5¼
For defraying the Charge of the CIVIL ESTABLISHMENTS under-mentioned, viz.						
Of Sierra Leone; from the 1st of January to the 31st of Dec. 1821.	22,444	3	0	21,000	0	0
Ditto ..... New South Wales ... from Ditto to Ditto..................	17,[illegible]81	5	0	8,500	0	0
Ditto...... Newfoundland .... from Ditto to Ditto..................	[illegible],283	10	0	5,000	0	0
Ditto...... Prince Edward's Island from Ditto to Ditto..................	3,520	15	0	1,700	0	0
Ditto..... New Brunswick ...... from Ditto to Ditto..................	6,757	10	0	3,000	0	0
Ditto...... Nova Scotia........... from Ditto to Ditto..................	14,267	15	0	7,133	17	6
Ditto...... Upper Canada......... from Ditto to Ditto..................	11,107	10	0	4,500	0	0
Ditto...... Dominica .... from Ditto to Ditto..................	600	0	0	300	0	0
Ditto Bahama Islands, in addition to the Salaries now paid to the Public Officers out of the Duty Fund, and the Incidental Charges attending the same	3,147	15	0	3,147	15	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
For defraying the Charge of the Royal Military College; from the 25th Dec. 1820 to the 24th Dec. 1821	16,915	8	4	15,428	3	3
Charge of the Royal Military Asylum	32,226	6	10	25,517	2	5
For discharging Interest on Exchequer Bills, Irish Treasury Bills and Mint Notes; for 1821	1,000,000	0	0	914,142	9	2
One hundredth part of twenty-nine millions of Exchequer Bills, authorized in the last Session, to be issued and charged upon the Aids granted in the present Session, to be issued and paid by equal Quarterly Payments to the Governor and Company of the Bank of England, to be by them placed to the Account of the Commissioners for the Reduction of the National Debt; for the year ending the 1st Feb. 1822	290,000	0	0	217,500	0	0
To enable his Majesty to provide for such Expenses of a Civil nature, as do not form a part of the ordinary Charges of the Civil List; for the year 1821	280,000	0	0	269,685	10	7
Expenses of the Establishment of the Royal Naval Asylum for 1000 Orphan Children of Sailors and Marines; for one year, commencing the 1st Jan. 1821	9,117	11	8	—		
Expense of Works and Repairs of Public Buildings; for 1821	40,000	0	0	1,764	16	7
Extraordinary Expense in the Department of the Lord Chamberlain; for seven quarters, from the 5th April 1820 to the 5th Jan. 1822, for Fittings and Furniture to the Two Houses of Parliament	22,500	0	0	16,776	6	4
Extraordinary Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for 1821	8,000	0	0	4,000	0	0
Expense of Law Charges; for 1821	25,000	0	0	25,000	0	0
Salaries and Allowances to the Officers of the Houses of Lords and Commons; for 1821	22,800	0	0	22,136	9	8
Expense attending the confining, maintaining and employing Convicts at home; for 1821	90,532	0	0	90,532	0	0
For defraying the amount of Bills drawn or to be drawn from New South Wales; for 1821	100,000	0	0	60,000	0	0
To make good the Deficiencies of the Fee Funds, in the Departments of the Treasury, three Secretaries of State, and Privy Council; for 1821	69,415	0	0	48,444	9	7
To make good the Deficiency of the Sum granted in the last Session, to defray the Contingent Expenses and Messengers Bills in the Departments of the Treasury, three Secretaries of State, Privy Council, and Lord Chamberlain; for 1821	8,706	0	2	8,706	0	2
For defraying the Contingent Expenses and Messengers Bills, in the Departments of the Treasury, three Secretaries of State, Privy Council, and Lord Chamberlain; for 1821	80,005	0	0	75,044	6	7
For defraying the Expenses of the Houses of Lords and Commons; for 1821	19,055	0	0	13,589	10	1
For his Majesty's Foreign and other Secret Services; for 1821	25,000	0	0	1,034	10	0
Extraordinary Expenses of the Mint in the Gold Coinage; for 1821	25,000	0	0	25,000	0	0
For defraying the Charge for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords; for 1821	21,000	0	0	—		
For defraying the Expense incurred in 1821, for printing 1,750 Copies of the 76th Volume of Journals of the House of Commons, being for the present Session	3,500	0	0	—		
For defraying the Expense of printing the Votes of the House of Commons, during the present Session	3,500	0	0	3,500	0	0
For defraying the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the present Session	20,000	0	0	—		
For defraying the Deficiency of the Grant in 1820, for re-printing Journals and Reports of the House of Commons	3,178	2	7	3,178	2	7
For defraying the expense of re-printing Journals and Reports of the House of Commons, in 1821	3,000	0	0	—		